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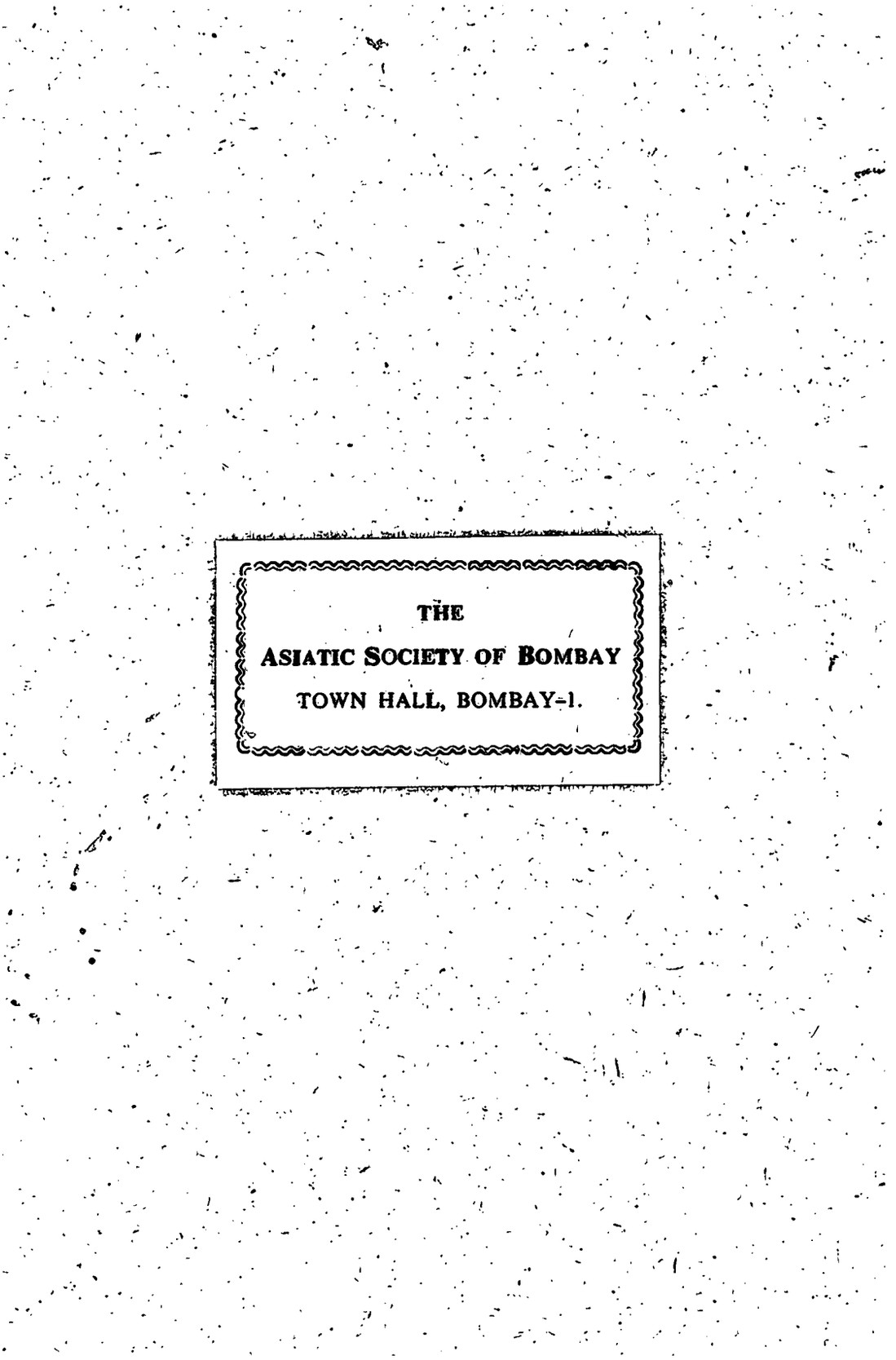

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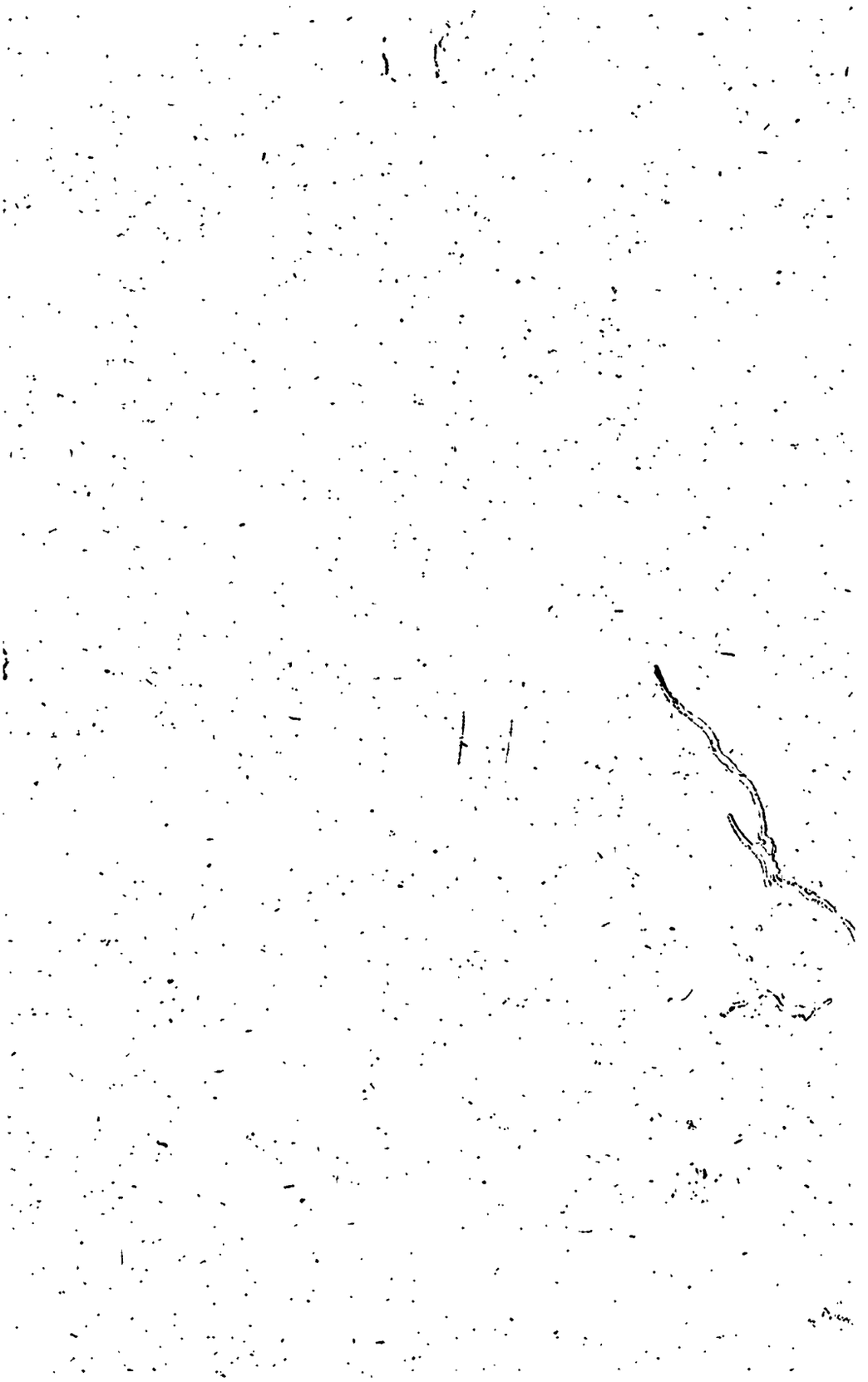

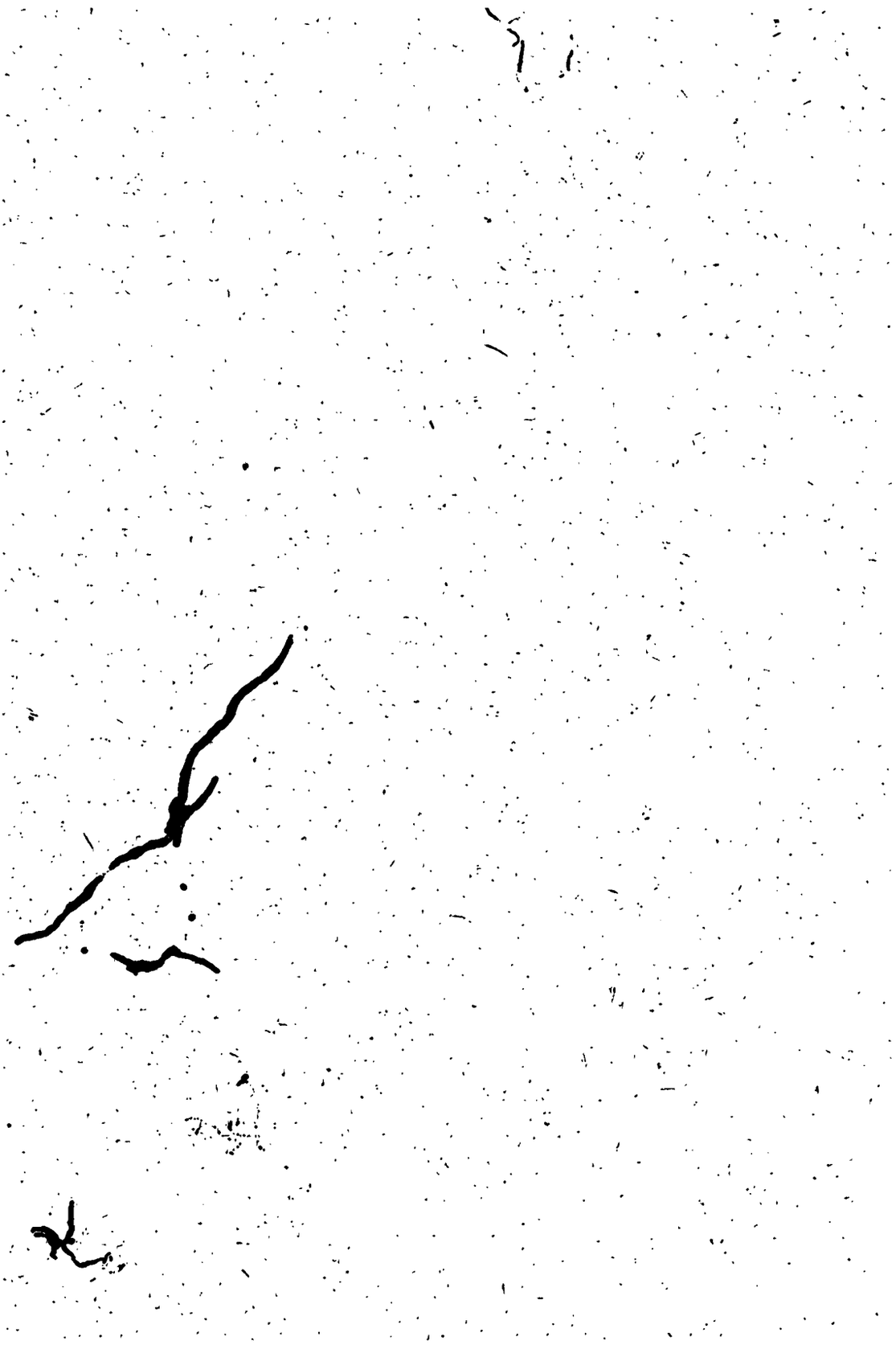

PAPERS

RELATING TO

10143.

EAST INDIA AFFAIRS.

Answers to Interrogatories of The Governor General;—and New System of Revenue, and of Judicial Administration (1801). Police of the Districts.—Missionaries.—Religion of the Hindoos.—Infanticide. First Introduction of Christianity into India.

CXCI

Ordered, by The House of Commons, *to be printed*

3 *June* 1813.

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LIST OF PAPERS

Presented to The Honourable House of Commons, pursuant to Orders, dated 8th—9th—and 14th April—1813.

—No. 1.—

COPY of the INTERROGATORIES proposed by the Governor General in Council, in the year 1801, to the JUDGES of CIRCUIT and ZILLAH JUDGES in *Bengal*, respecting the effects of the new System of Revenue and of Judicial Administration, established by the *British* Government in that Country; with the ANSWERS at large of those Judges, and of other official Persons to whom those Interrogatories were sent.—I. Interrogatories to, and Answers by, The JUDGES.—II. By The COLLECTORS.

—No. 2.—

COPY of a LETTER from Mr. *J. D. Paterson*, Judge of *Dacca, Jellelpore*, in *Bengal*, to the President and Members of the Police Committee; dated 30th August 1799.

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(No. 3.—COPY of the 15th and 35th INTERROGATORIES proposed by the Governor General in Council of *Bengal*, to the JUDGES of CIRCUIT and the ZILLAH JUDGES, in 1801; with the ANSWERS of the said Judges to those Interrogatories.)—[*This having been ordered to be printed on 30th April last, is not here inserted.*]

—No. 4.—

EXTRACT containing Paragraph 4. of Report from Mr. *E. Colebrooke*, 2nd Judge of the COURT of CIRCUIT for the Division of *Patna*, on the completion of the Gaol Delivery of the extra Session of that Division, dated 1804, to the *Nizamut Adawlut*.

—No. 5.—

EXTRACT of Judicial LETTER from the Court of Directors of the East India Company, to the Governor General in Council of *Bengal*, dated 25th April 1806, Paragraph 24.

—No. 6.—

EXTRACT of a LETTER from the Court of Directors of the East India Company, to the Government of *Fort St. George*, dated 23d January 1805, Paragraph 16.

— No. 7. —

EXTRACT of a LETTER from Lieutenant Colonel *Wilks*, Acting Resident of *Mysore*, to the Chief Secretary to the Government of *Fort St. George*, dated 4th March 1807, on the subject of the HINDOO RELIGION.

— No. 8. —

EXTRACTS, or so much of the CORRESPONDENCE of the Governor General in Council of *Bengal*, with the Court of Directors of the East India Company, as relates to the Abolition of the Practice of SACRIFICING CHILDREN at *Saugor* and other places.

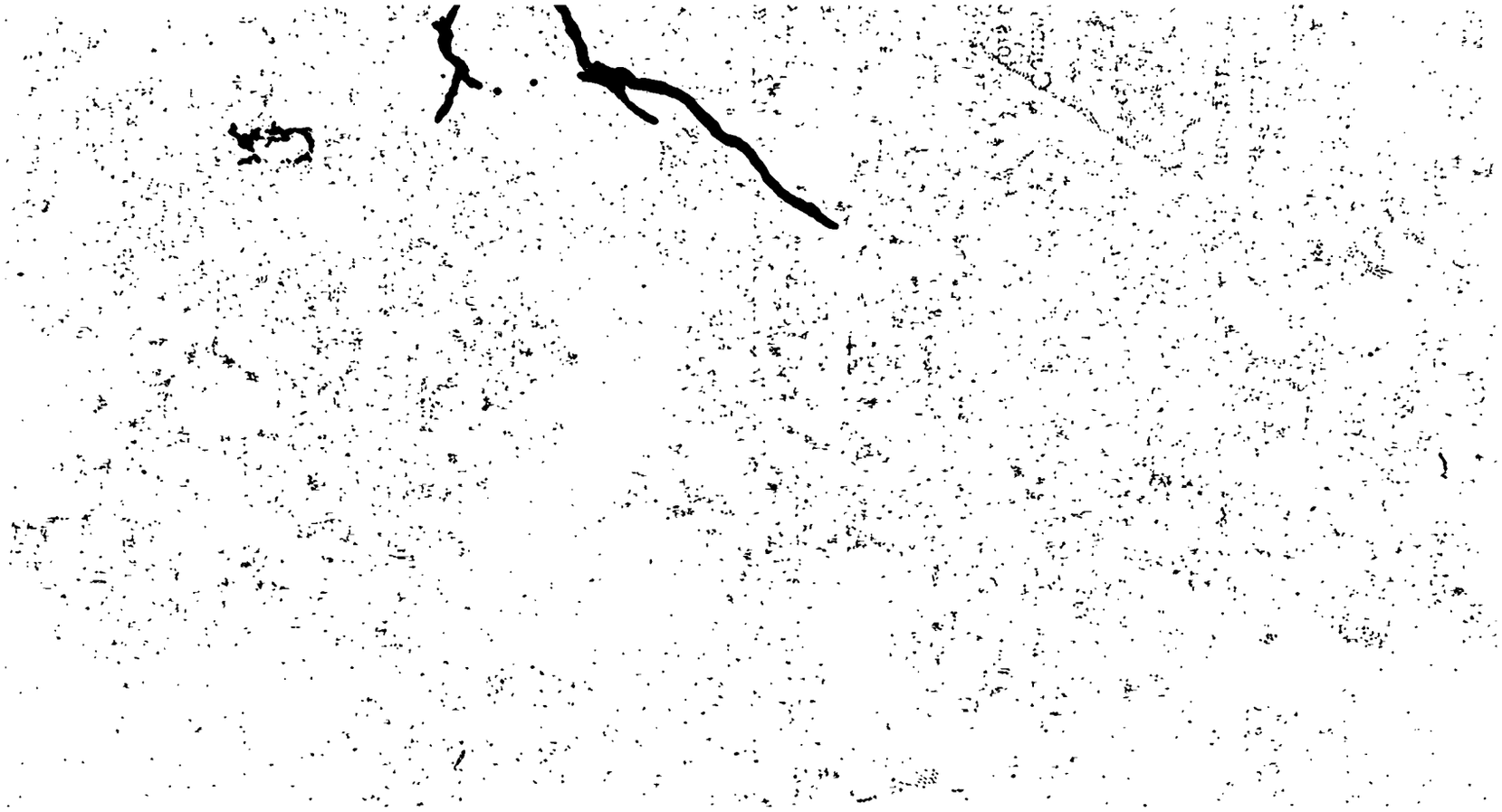
— No. 9. —

EXTRACTS of the CORRESPONDENCE of the Governor General in Council, and of the Governor in Council of *Bombay*, with the Court of Directors of the East India Company, so far as relates to the Abolition of the Practice of INFANTICIDE in the Districts of *Juanpore*, *Guzerat*, and *Kutch*.

— No. 10. —

Copy of a REPORT made by the Reverend Dr. *Kerr*, Senior Chaplain of *Fort St. George*, to the Right Hon. Lord *William Bentinck*, dated *Madras*, 3d November 1806; together with the Proceedings had thereupon.

East India House,
30th April 1813.



No. 1.

Copy of INTERROGATORIES proposed by The Governor General in Council, in the year 1801, to the Judges of Circuit and Zillah Judges, in *Bengal*; respecting the effects of the New System of Revenue, and of Judicial Administration, established by the British Government in that Country;—with, The Answers at large of those Judges, and of other official Persons to whom those Interrogatories were sent.

INTERROGATORIES To, and ANSWERS By, The JUDGES.

Calcutta Division.

ANSWERS to the Interrogatories respecting the State of the Country, &c.;—received from the Magistrates of this Division;—viz.

Court of Appeal and Circuit	22 March	1802.
Zillah Jessore	30 Nov.	1801.
D° - Midnapore	30 January	1802.
D° - Beerbhoom	25 March	D°.
D° - Hooghly	3 May	D°.
D° - Nuddea	16 January	D°.
D° - Burdwan	9 March	D°.
D° - Twenty-four Pergunnahs	1 July	1802.

TO GEORGE DOWDESWELL, ESQ.
Secretary to the Government, in the Judicial Department.

SIR,

WE have been under the necessity of delaying our Replies to the Interrogatories which accompanied your Letter of the 29th of October last, from the constant application of our time to the duties attending the Appeals, the number of which had very considerably increased from the circumstance of an incompetent Court for nearly one half of the last year, owing to impediments arising from the resignation of Mr. Camac, the protracted junction of Mr. Stonhouse, who, at the time of his appointment to this Court, was on the Daur circuit, and his subsequent indisposition. That a further delay may not, however, appear the result of inattention, we have now the honor to submit our Replies, formed upon such deliberation as limited opportunity has offered.

We are, Sir, your most obedient Servants,

W. A. Brooke. *H. Ramus.* *C. A. Bruce.*

Belvidere,
22d March 1802.

INTERROGATORIES to the Provincial Courts of Appeal and Circuit.—

1. What are the number of Appeals depending before your Court?

ANSWERS.—One hundred and fifty-six, on the 1st of January 1802.

2.—What proportion does the number of Appeals, now depending, bear to the number of Appeals usually depending, during the several years, commencing from the year 1793 to the present period?

In answer to this we beg leave to submit the annexed Statement *(marked* A. page 9.) of the number of Appeals filed, decided and depending, at the end of each year, from 1794 to 1st January 1802.

3.—What number of causes was decided, in the past year, by your Court?

One hundred and fourteen. To account for the number of decisions being so small, we beg leave to annex Copy of the explanation given by us to the Sudder Dewanny Adawlut, at the foot of our abstract register of causes depending on the 1st of January last, marked (B.)—*See page* 10.

No. 1.

Answers by the JUDGES.

Calcutta Division.

Court of Appeal and Circuit.

22 March 1802.

4.—What number of causes do you suppose must necessarily be depending before your Court, and what is the reason that the number of causes depending before your tribunal is not reduced, as low as you think it might be reduced?

The pleadings being seldom completed in less than two months after the Appeals are filed, we are of opinion, judging from the number filed in the past year, that fifty Appeals must necessarily be depending at the end of each year, and that unless particular circumstances should occur to prevent the regular meetings of the Court, that number will seldom be exceeded.

5.—Are you prepared to suggest the establishment of any rules which (consistently) with the new administration of the laws, would expedite the decision of suits? Are you of opinion, that the object would in any degree be promoted by leaving it optional to the different tribunals to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing or not, as the Judges might think proper?

We are of opinion, that the discontinuance of the mode at present observed, of committing the depositions of witnesses to writing in causes not appealable, would not materially expedite the decision of suits, and that it would be a measure of great dissatisfaction in the outset to the parties, and to the party cast a source of constant allegation against the propriety of the decision, urging (however unjustly) either the partiality of the Judge, or his misconstruction of the evidence. If the measure be adopted, we beg leave to state, that whenever Judges or Registers may be removed from their stations, the witnesses who may have given evidence in all undecided suits must be resummoned to appear before the new Judge or Register, and this must be attended with additional expense and delay to the parties themselves, and serious inconvenience to their witnesses, who are frequently detained several days before their evidence can be taken, owing to the multiplicity of business at the Zillah Courts; thus the want of written evidence, instead of expediting the decisions of suits, will have a contrary effect.

6.—Are you of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding 200 rupees? What is the amount to which you would recommend the Courts of the Commissioners and of the Registers should be extended, and to what degree would the general administration of justice in the division subject to your jurisdiction be expedited by the adoption of this arrangement?

We are of opinion that the jurisdiction of the Registers might be extended with great advantage, under certain restrictions, agreeably to the outline of a plan which we here subjoin.

1. The Moonsiffs to try all suits in the first instance for personal property, as far as fifty rupees.

2. To establish a Court consisting of three native Judges for the trial of all appeals from the decisions of the Moonsiffs, and the decisions of this Court to be final.

3. To empower the Register to try all suits above 50 rupees to 300 rupees; the whole to be appealable to the Judge, whose decision should be final to that amount.

4. The Judges to try all suits above 300 rupees in the first instance, and all their decisions to be appealable.

5. All suits for real property to be tried in the first instance by the Judges, and all their decisions subject to appeal.

6. In all appeals there should be simply a petition stating the particular points of dissatisfaction. As the pleadings before the inferior Court always accompany the record, a repetition incurs delay and unnecessary expense to the parties. We would also recommend, as an obvious curtailment of trouble, that the Zillah Judges should not keep copies of the records. From that circumstance alone the decision of appeals is frequently much delayed; and in case of any after reference or the requisition of any document, access may easily be had to that Court where the record may be deposited.

7. We would recommend that the native Court of Appeal be fixed wherever the Judge shall reside: a remoter situation might divest them of the check to any tendency to corruption, and in that particular we are well aware of the native characteristic. By the adoption of these measures, we are of opinion that the general administration of justice would be expedited one fourth.

7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of lawsuits to be too considerable, or otherwise?

On the establishment of the judicial fees in 1795, a very considerable number of suits was struck off the file, from the plaintiffs omitting to pay the institution fee within the limited period; and at one zillah under our jurisdiction there were of that description upwards of £.12,000. and of those a very small portion were after reinstated. We consider, therefore, that the establishing of the fees has had the good effect of checking litigation; otherwise, had these suits been for actual grievances, they doubtless would have been renewed; and where the liability of paying the fees did not exist, a humane exemption in such cases is provided by Regulation XLVI. of 1793. We therefore do not think the fees too considerable.

8.—Do

No. 1.

Answers by the JUDGES.

Calcutta Division.

Court of Appeal and Circuit.
22 March 1802.

8.—Do the fees paid the licensed vakeels, on suits instituted or defeated by them, constitute a sufficient inducement to men of character and of proper qualifications to undertake those situations? Are the vakeels attached to your Court persons of the above description, and are they in general well acquainted with the printed Regulations?

The fees are fully adequate to induce men of character and of proper qualifications to undertake the situation of vakeels. In very few instances have we met with men in that line so qualified; those attached to our Court come not under that description, nor are they in general well acquainted with the regulations.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity?

We have never seen any instance to the contrary, nor beyond vague assertion can we adduce any thing against their fidelity.

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

We think they are not; the knowledge of the laws does not seem to have been the pursuit (pleaders excepted) of any class of the community, nor do we see any mode of their attaining it; had such been their object, we think it would be highly advisable that translates of the regulations should be distributed to the cazies of pergunnahs, to be sold at the most reasonable rates.

12.—Are you prepared to state any alterations in the terms established for the trial of civil suits, which would expedite the decision of suits without endangering the due administration of the laws?

We are not, beyond what we have already stated in answer to the 5th Interrogatory.

13.—Have you, in your Court-room, any place allotted for the bench of the Judges, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms and ceremonies do you observe in opening your Court or setting in it?

In the Court-room there is an elevated platform for the seats of the Judges; there is a railed inclosure appropriated for the Register, the law officers, the parties, their vakeels, and the omlah. The persons who attend the Court are on the outsides of the railing. On the Judges taking their seats, no other form is observed than the nasir calling the parties to attend, when it is considered that the Court is opened.

14.—Are there any private schools or seminaries in the division under your jurisdiction in which the Mahommedan or Hindoo law is taught, and how are those institutions maintained?

As we consider this question can be best answered by the Zillah Judges, we beg leave to refer to their replies.

15.—What is your opinion regarding the general moral character of the inhabitants of your division? Has the moral character of the inhabitants in general improved, or otherwise, by the system established by the British Government for the administration of the laws and for the conduct of the internal administration of the country?

From the frequent instances that come before us of duplicity, fraud, ingratitude, and falsehood, we consider the moral character of the natives depraved to a degree. It is difficult to draw a comparison between their general moral character prior and subsequent to the establishment of the present system. It may not perhaps be at all improved, but no satisfactory reason occurs to our minds for supposing it to be worse now than formerly.

16.—Are you of opinion that the inhabitants in general of the division under your jurisdiction consider their private rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself or by individuals?

The natives are perfectly sensible of the solicitude and intention of Government that their private rights and property should be secured to them against infringement, and are satisfied, as far as the constitution of the country directs, that its laws have that full tendency.

17.—Are you of opinion that the division under your jurisdiction is in a state of improvement, or otherwise, with respect to its population, cultivation and commerce, and its buildings, or other works, of religious, domestic or other purposes, and on what grounds do you form your opinion?

The opportunities of ascertaining the information required occur in so trifling a degree to the Judges, when on the circuit, that we do not feel ourselves fully competent to submit a reply.

18.—Are you of opinion that the inhabitants of the division under your jurisdiction are in general satisfied with the British Government?

We imagine a very great majority must be, in which we include the Hindoos in general, and the lower classes of the Moossulmans.

19.—Is

No. 1.

Answers by the JUDGES.

Calcutta Division.

Court of Appeal and Circuit.
22 March 1802.

19.—Is the present system of police well calculated to insure the apprehension of offenders?

The system is well calculated to insure the apprehension of offenders, and we are of opinion that it has had that effect.

20.—Are the police establishments in the division subject to your jurisdiction adequate to the duties required of them?

We think they are.

21.—Are you of opinion that the number of crimes committed annually in the division under your jurisdiction has increased or diminished since the year 1793, and to what cause do you ascribe the increase or diminution?

The number of trials has certainly increased since the year 1793, and this we attribute more to the active superintendence of the magistrates and the vigilance of the police darogahs, than to the commission of more crimes now than formerly.

22.—What crimes of enormity are most prevalent in the districts under your authority?—what is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

Murder and duhoity are the crimes of enormity most prevalent within our jurisdiction. We are not prepared to suggest any mode for their suppression, beyond what the present system may enforce.

23.—Do the inhabitants of the division under your jurisdiction keep arms in their houses? What description of arms do they retain, and for what purposes are the arms retained?

Zemindars and men of family and property keep a few men armed with matchlocks, swords and shields, and bows and arrows, for the protection of their houses. Of this description there are but few; and the poorer kind are in general totally defenceless against either the attacks of dakoits, or any other outrage.

24.—Are there any brick or mud forts in your division? In what state are the forts, and what is the nature of their construction?

Our progress through the different zillahs, when employed on the circuit duty, being rapid, and generally performed in the night, we have few opportunities of ascertaining this point. We therefore beg leave to refer to the replies from the zillahs.

25.—What proportion do the Hindoos bear to the Mahommedan inhabitants on the division subject to your authority, and what do you suppose to be the number of the inhabitants, of all descriptions?

We cannot hazard a conjecture on the number of inhabitants within our jurisdiction, as it would be calculation without any guide to promise any reasonable correctness. We consider, in most places, that the Hindoos bear a proportion of 3-4ths, with exception to the zillah of Jessore, where we are informed that the Hindoos and Moosulmans are nearly equal.

26.—What are the names of the persons possessing the highest rank and the greatest opulence in the division subject to your jurisdiction; what number of followers, armed or otherwise, are they supposed to maintain in their service, and do they appear abroad with such followers?

We beg leave to refer to the replies from the zillahs on these points.

27.—Are there any persons, in the division subject to your authority, who are supposed to be disaffected to the British Government? What are their names, and to what means do you resort for superintending their conduct? Have these persons any influence in the division, and to what extent?

We know not of any persons under this description.

28.—Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and confer titles and other marks of distinction on its native subjects?

We are of opinion that the conferring titles and other marks of distinction upon the natives would strengthen their attachment to the British Government, and inspire them with a spirit of emulation which might be highly beneficial to the public service in any case of real exigency.

29.—What is the state of the roads and bridges, or other public works, in the division under your authority, and at whose expense are they kept in repair?

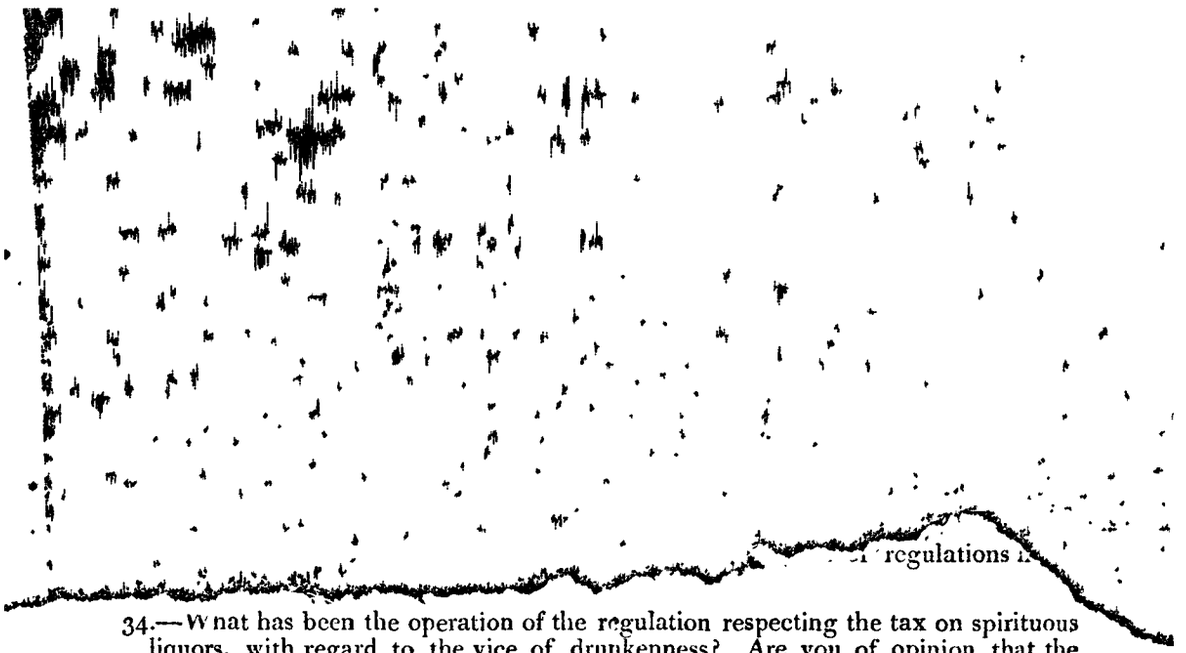
The roads in our division are in a state of good repair, particularly in Burdwan and Hooghly. With regard to the bridges and other public works, we beg leave to refer to the answers from the zillahs.

30.—How are the convicts usually employed; and is there any manner of employing them, which appears to you preferable to the manner in which they are at present employed?

The convicts are usually employed in repairing or making roads, or clearing away jungle. These are benefits so universally admitted, that we cannot recommend a more useful appropriation of their labour.

31.—What is the state of the jails in your division?

The jails built within these few years at Burdwan, Kishinnagur, Jessore, and the 24 pergunnahs,



34.—What has been the operation of the regulation respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes now levied on spirituous liquors have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

We have observed little or no difference in the vice of drunkenness since the establishment of the taxes now levied on spirituous liquors.

35.—Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the division.

We are sorry our limited leisure has prevented our submitting any measure for adoption, tending to so beneficial an end.

36.—In your opinion, what has been the effect of the regulation which declares persons convicted of the crime of perjury liable to be marked on the forehead?

From the number of trials which come before us of this description, we have reason to think that the disgrace by the mark on the forehead has nowise lessened the commission of the crime; it has, however, had the good effect of preventing a repetition of it by the same individual.

37.—What has been the operation of the punishment of transportation introduced by the British Government?

This punishment is considered by many as more severe than death; and though it has not hitherto caused the total suppression of dichoity, it certainly has reduced the formidable power of many gangs of great notoriety.

38.—Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is in your opinion administered?

We think it probable that a dread of the severity with which the Mahomedan law was formerly administered must have had some effect in preventing the commission of crimes, which less severity may have removed. We mean not, however, to be advocates for the re-establishment of those parts of that law which the humanity of Government has abolished.

39.—In what period does the Judge, who makes the half-yearly jail deliveries, usually complete the circuit?

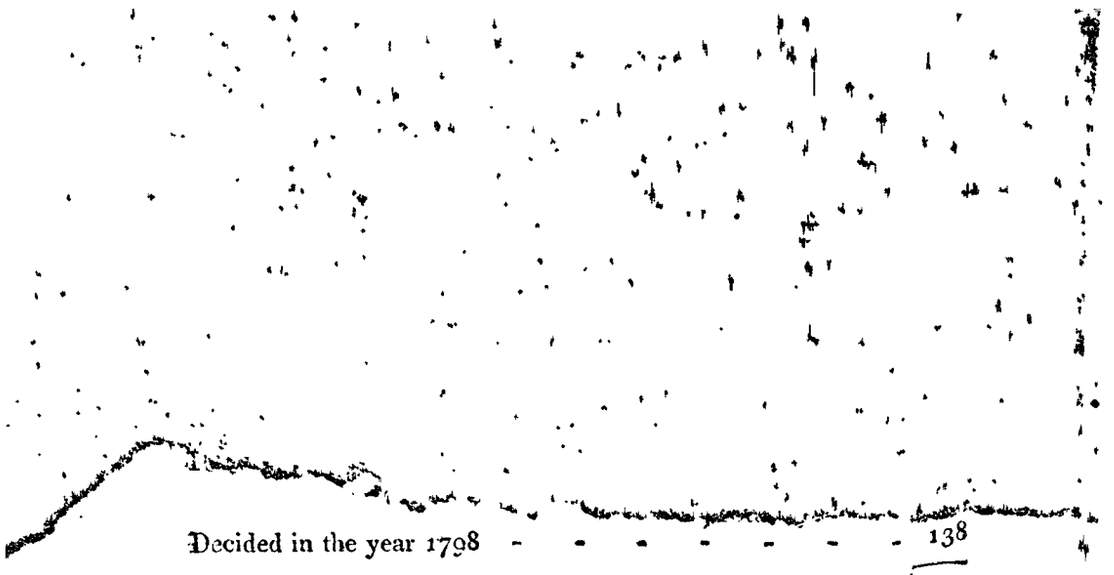
The circuit is generally completed in four months and a half.

W. N. Brooke. *H. Ramus.* *C. H. Bruce.*

A.

STATEMENT of Causes filed in the Court of Appeal for the Calcutta Division, and progressively decided, from January 1794 to 1st January 1802.

Filed from the institution of the Courts in May 1793, to the end of the year 1794 - - - - - - - - - -	121
Decided in the year 1794 - - - - - - - - -	46
Balance - -	75
Filed in the year 1795 - - - - - - - - -	105
Total - (carried forward) -	180



Decided in the year 1798	138
Balance on the 1st January 1799	128
Filed and admitted in 1799	113
Total	241
Decided in the year 1799	136
Balance on the 1st January 1800	105
Filed and admitted in 1800	105
Total	210
Decided in the year 1800	167
Balance on the 1st January 1800	43
Filed and admitted in 1801	227
Total	270
Decided in the the year 1801	114
Balance on the 1st January 1802	156

ABSTRACT of the above.

Causes filed in this Court from its institution to 1st January 1802		1,146
Decided in 1794	46	
— — — 1795	134	
— — — 1796	107	
— — — 1797	148	
— — — 1798	138	
— — — 1799	136	
— — — 1800	167	
— — — 1801	114	
		990
Balance remaining on file		156

W. A. Brooke. *H. Ramus.* *C. A. Bruce.*

B.

In the months of February, March, April and May, no appeals could be heard or decided, owing to the absence of the second Judge on the circuit, and the third Judges not having joined till the first of June. In July, the third Judge was prevented by illness from attending the Court. In October the Court was closed for the Dussarah vacation; and the third Judge continuing incapable of attending, the second Judge not having finished the business of the circuit till the 21st of November, the Court could not meet till Monday the 23d of that month. From the above causes, therefore, and the acting third Judge having commenced the second circuit on the 1st of November, the Court could only hear and decide on causes for five months and ten days in the year 1801; notwithstanding which, all the causes filed prior to the 1st of July have been decided, with exception to thirteen, which have unavoidably laid over for consideration, for additional evidence to be taken, or the original records not having been received from the zillahs.

(Signed) *W. A. Brooke.* *H. Ramus.*

A true copy. *W. A. Brooke.* *H. Ramus.* *C. A. Bruce.*

No. 1.

Answers by the JUDGES.

Calcutta Division.

Zillah Jessore, 30 November 1801.

To his Excellency Marquis WELLESLEY, K.P. Governor General, &c. &c.
Lucknow.

My Lord,

IN compliance with the commands of the Honourable Vice President in Council, communicated through Mr. Secretary Dowdeswell, in his Letter of the 3d instant, I have the honour to forward Copy of my Answers to the Interrogatories required by the Honourable Vice President, in his Instructions under date the 29th of October.

I have the honour to be, with the greatest respect,
My Lord,
Your Lordships most obedient humble Servant,

Zillah Jessore, the 7th December 1801.

S. Middleton, Judge & Magte.

To GEORGE DOWDESWELL, Esq.
Secretary to the Government in the Judicial Department, Fort William.

Sir,

IN obedience to the commands of the Honourable Vice President in Council, I now submit the answers to the Interrogatories forwarded in your Letter under date 29th ultimo.

1.—What is the number of causes now depending before you, before your Register, and before the native Commissioners?

Before the Judge - -	Original suits - - - - -	793		
	Register appeals - - - - -	339		
	Commissioners d° - - - - -	549		
			1,681	
Ditto Register - - -	Original - - - - - -	1,477		
	Appeals - - - - - -	504		
			1,981	
Commissioners - - - - - - - - - - -			8,945	

2.—What proportion does the number of causes now depending before the three tribunals of the Judge, the Register, and the native Commissioners, bear to the number of causes usually depending during the several years commencing from the year 1793 to the present period?

About half the number.

3.—What number of causes was decided in the past year by you, by your Register, and by your native Commissioners?

By the Judge - - - - 777 causes, from 1st January to 1st October 1801.
By the Register - - - 602 d° - - d° - - - - d°.
By the Commissioners 18,540 d° - - d° - - - - d°.

4.—What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the native Commissioners; and what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced?

Before the Judge - - - - - - - - - -	500	
D° - - Register - - - - - - - - - -	1,500	
D° - - Commissioners - - - - - - - -	6,000	

The only reason to be given is, that new suits are constantly instituting, nearly equal to what are decided.

5.—Are you prepared to suggest the establishment of any rules which (consistently with a due administration of the laws) would expedite the decision of suits? Are you of opinion that this object would be in any degree promoted by leaving it optional in the different tribunals, to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing, or not, as the Judges might think proper?

The present rules are as well adapted as possible for the expediting causes under hearing; and the proposed plan of not recording depositions, would create confusion, and be attended with a source of uneasiness to the parties.

6.—Are you of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding Sa Rs 200.? What is the amount to which you would recommend the jurisdiction of the Courts of the Commissioners and of the Registers should be extended; and to what degree would the general administration of justice in the district subject to your jurisdiction be expedited by the adoption of this arrangement?

The average proportion above exhibited must evince Government, that the suggested extension is altogether improper and unnecessary, as it could not expedite the decision of causes; on the contrary, create an enormous arrear.

7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits.

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hibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of law suits to be too considerable, or otherwise?

It may have been checked, but the fee is, in my opinion, heavy, and too considerable; I would recommend its abolition, and an additional duty levied on stamp law papers in lieu, bearing such a proportion as may preclude the possibility of shackling the needy in securing their rights.

8.—Do the fees paid to licensed vakeels, on suits instituted or defended by them, constitute a sufficient inducement to men of character and of proper qualifications to undertake those situations? Are the vakeels attached to your Court persons of the above mentioned description; and are they, in general, well acquainted with the printed Regulations?

It does, and many of the vakeels are men of capacity and character, possessing, at the same time, a general knowledge of the Regulations, but the fee is very heavy.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

The establishment certainly expedites suits, by bringing more speedily and accurately the merits of the causes before the Courts.

10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity?

I have reason to suppose they do, as there are no complaints made against them.

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

They are, generally speaking.

12.—Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits without endangering the due administration of the laws?

For the expediting suits of landed property under 50 rupees, there should be established at the Sudder Court four Referee Commissioners, who should be vested with powers to decide these land causes, under the prescribed rules: if this measure was adopted, I am convinced that there would be in twelve months little arrear in the respective Courts. I further conceive litigation would be checked in a great degree, if suits of landed property, under two hundred rupees, were, in appeal before the Judge, to be on his confirmation or reversal, final, as injustice and oppression to individuals proceeds in a great measure from the procrastination which must occur by the repetition of appeals; and, if not improper, I would recommend, that all decrees of the Judge and Register shall, upon the award, be immediately enforced, taking as security from the individual who obtains the suit an equivalent to the actual or standard value of such property. This would prevent the undue means which are often adopted, of having lands sold for arrears, and thereby depriving individuals of their rights; sureties for staying decrees only, being amenable for one year's supposed resources. The adoption of this, checking, as I have before observed, the main object, procrastination, the spirit of litigation, unless under evident injustice, must naturally cease.

13.—Have you, in your Court-room, any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court or sitting in it?

The forms prescribed by the Regulations are adopted; chairs are used instead of benches.

14.—Are there are any private schools or seminaries in the district under your jurisdiction in which the Mahommedan or Hindoo law is taught, and how are those institutions maintained?

There are few Mahommedan, but several Hindoo seminaries; and these institutions are maintained by the rich, who give fixed pensions or an allotment of lands for that purpose.

15.—What is your opinion regarding the general moral character of the inhabitants of your district. Has the moral character of the inhabitants in general been improved, or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

I do not consider the moral character of the inferior classes materially improved.

16.—Are you of opinion that the inhabitants in general of the district under your jurisdiction, consider their private rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

They do consider their rights secured by the present constitution of the country, and are ever ready to vindicate and defend those rights, even against the supreme executive authority.

17.—Are you of opinion that the district under your jurisdiction is in a state of improvement, or otherwise, with respect to its population, cultivation, and commerce, and its buildings, or other works, for religious, domestic, or other purposes; and on what grounds do you form your opinion?

From every information I can derive from the inhabitants, as well as local experience, the

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the country is in a general state of improvement, with regard to its population, cultivation and commerce; the permanent works, and edifices for religious, domestic, or other purposes, are not numerous, but the Hindoo edifices are gradually increasing.

18.—Are you of opinion that the inhabitants of the district subject to your jurisdiction are in general satisfied with the British Government?

They are satisfied.

19.—Is the present system of police well calculated to insure the apprehension of offenders?

It is.

20.—Are the police establishments in the district subject to your jurisdiction adequate to the duties required of them?

The establishments are inadequate.

21.—Are you of opinion that the number of crimes committed annually in the district under your jurisdiction has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

They have not diminished; and I ascribe their continuance rather to the leniency than the severity of the laws.

22.—What crimes of enormity are most prevalent in the district under your authority? What is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

The crimes most prevalent are murder, burning, and robbery, committed with every degree of cruelty. The police establishment being defective, the difficulty of establishing crimes, the connivance of the officers of the zemindars, and the natural dread of the inhabitants to give evidence, death being the consequence, resulting from this connivance, are the causes that must be ascribed as the real source of such crimes. Severe examples will tend to their suppression; and I should recommend, that upon a robbery or nightly theft being proved, the sentence should be never less than seven years, and transportation for the term. People convicted of murder, burning, or other acts of inhuman cruelty, should be punished with death; and this not to be inflicted solely on the person committing the act, but the gang present and aiding in the perpetration of the crime. I would further recommend, that no person convicted of a crime of heinous nature shall return to society till proper security is tendered for his good behaviour.

23.—Do the inhabitants in general of the district subject to your jurisdiction keep arms in their houses? What descriptions of arms do they retain, and for what purposes are the arms retained?

Several of the inhabitants; such as broad-swords, roybanses, spears, tulwars, matchlocks, and bows and arrows. The respectable people retain them for the preservation of their property and lives, the pikemen for service.

24.—Are there any brick or mud forts in your district? In what state are the forts, and what is the nature of their construction?

There are no forts, except one, called Mirza Nahgur, in ruins.

25.—What proportion do the Hindoo bear to the Mahomedan inhabitants in the district subject to your authority; and what do you suppose to be the number of the inhabitants of your district, of all descriptions?

There are about one million five hundred thousand people in this district; three fourths Hindoos, and one fourth Mahomedans.

26.—What are the names of the persons possessing the highest rank and the greatest opulence in the district subject to your jurisdiction? What number of followers, armed or otherwise, are they supposed to maintain in their service; and do they appear abroad with such followers armed?

There are no men of high rank in this district: those that are superior reside principally in Calcutta. The greatest part of the rights of landed property having been totally changed, the number of armed followers which their naibs retain are few, and simply employed for the security of their property, and remittances to the public treasury. Government having, in the Collector's office, a list of the respective proprietors, it is unnecessary to detail them.

27.—Are there any persons in the district subject to your authority supposed to be disaffected to the British Government? What are their names, and to what means do you resort for superintending their conduct? Have these persons any influence in the district, and to what extent?

There are no disaffected people in this district.

28.—Are you of opinion, that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

The conferring of titles, and Government declaring itself the sole source of honour within its territories, would certainly strengthen the attachment of the natives to the British Government.

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29.—What is the state of the roads, bridges, and other public works, in the district under your authority; and at whose expense are they kept in repair?

The roads are bad, in general; and no bridges of note, or public works, in this district. The road from Calcutta to Dacca, as far as possible, is kept in repair by the convicts, at Government's expense, and is very good.

30.—How are the convicts in the district usually employed; and is there any manner of employing them, which appears to you preferable to the manner in which they are at present employed?

The convicts are employed in the roads; which seems preferable to any other, being of utility to the country. It would further be advisable to employ them in digging public tanks in places where it is difficult for the inhabitants to obtain water.

31.—What is the state of the jail in your zillah?

The jail is an excellent one.

32.—What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character in your zillah, commissions empowering them to act as justices of the peace? Do you think that such a measure would contribute to the suppressing of crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons; would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

It will have a contrary effect, and be attended with every exaction and oppression on the inferior classes of the people. They are already the protectors of these banditties, of course inadequate to execute the power with propriety; nor should it be admitted, unless they become amenable for all robberies committed within their limits.

33.—Are there any new rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

If the landholders and their officers considered future instead of temporary advantages, depredations within the inland jurisdiction could at all times be suppressed; but so far from their attending to the general welfare of the country, there is, on every occasion, presumptive evidence of their not only encouraging but participating in the plunder. As it is not to be supposed that these depredations could be carried on in countries where there are no recesses or places of retreat for these banditties, unless supported by the landholders or their menial officers, to vest power in them, would therefore prove nugatory, and be adding, as I have before observed, an authority by which they might avail themselves on every occasion to oppress the inhabitants.

The only mode of establishing an efficient police, is a permanent patrole through your districts, added to the causing a rigid attention on the part of the proprietors and their officers to suppress these depredations. The rules which appear to me necessary for that purpose are as follows; and I shall at the same time take the liberty of pointing out the means of raising the assessment that may be necessary for the establishing the permanent patrole, and which I humbly conceive would afford an effectual protection to the inhabitants of the country.

1. That a patrole be established throughout the respective ganges, towns, and villages of the district, to be placed under the superintendence of the respective police darogahs; the negabans to be registered and to wear a badge, which is to specify the name of the town to which the negabans appertain.

2. An estimate to be made of the number of towns and villages in each police jurisdiction, with the number of inhabitants of each town, &c. This to be formed by a khamah shoomaree delivered in by the zemindars and talookdars, and the proportional number of watchmen then to be allotted.

3. That for the purpose of preventing persons of bad characters residing in any town or village, the zemindars and talookdars shall take mochulkas from their servants, ezardars, and leaseholders, not to give a place of residence to any new inhabitant, till they have previously ascertained, in the presence of the negabans of the town, his character, from whence he came, and the cause of quitting his former place of residence; and, upon his character appearing doubtful, he shall forthwith be forwarded to the superintendent of police by the negaban of the town, who shall again send him to the magistrate, to be detained till he shews that he is a person of reputation and character.

4. That the servants of the zemindars and talookdars, the farmers and other leaseholders, shall report to the police superintendant, when any person or persons reside in their districts, markets, towns and villages, who may live in apparent affluence without means of subsistence, either by trade, cultivation, or actual property; and that such persons shall be immediately apprehended and sent to the magistrate and detained by him for security.

5. That no person shall retain arms without the sanction of the police superintendent, who previously is to ascertain the cause of the people keeping them, and is, on his sanction, to state the party's name, with the cause of keeping such arms, and the description thereof.

6. That no blacksmith shall prepare arms for sale, nor provide any individual with arms, but with the specific permission of the superintendent, who is to particularize the cause of the person requiring such arms to be prepared.

7. That no goldsmith, silversmith, petty banker, brazier, shopkeeper, or otherwise, shall

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purchase old gold or silver, or ornaments or brass pots, in any town or village, without the same being registered in the presence of the negaban and mundal of the village; the articles to be specified, with the name of the disposer, his residence, &c. and the report to be sent to the police darogah.

8. That there shall be no boats whatever but those within the dimensions stated in the regulations.

9. That villagers are by dhole to assemble, when called on by the negabans, for the seizing people who may approach a town with bad intention in the day or night, and subject to penalties in case of refusal, but also entitled to proportional reward on conviction of offenders.

10. That rewards be tendered according to the nature of crimes; viz.

A person convicted one year 5; two ditto 10; three ditto 15; four ditto 20; five ditto 25; six ditto 30; seven ditto 35, and so on to the term of sentence, 5 R^{s} each year.

In murders and decoities, for those sentenced to death and perpetual imprisonment, 100 rupees each man.

11. That every prisoner sentenced on the charge of committing a robbery for five years shall be transported, whether specified in the warrants or not.

As the establishing this permanent patrole will be attended with considerable expense, it is proper that the taxes should fall on the landed property and those persons for whose security it is intended, and that it should be levied in a manner so as to preclude the possibility of exaction. As experience in the police tax has already demonstrated that the collection of duties in the interior parts of the country on commodities were grievous, without answering the purpose for which they were intended, the following may be collected without difficulty; and as the amount levied will be specified, there cannot be any considerable degree of oppression.

1. A tax upon rent-free lands, of 15 per cent. (i.e.) rent-free lands of persons equal to the paying a tax.

2. A general privilege shall be given to landholders to establish markets and gunges, and that all proprietors of existing as well as new established markets shall take out licences sanctioning their holding them, subject to a certain monthly rent to be proportioned to what each gunge is able to bear, and this to be in lieu of Government's resuming the market duties; and that a privilege, under specific rules, shall be granted for their levying export and import duties, as no bad consequences can ensue, the competition rendering, by the general privilege above stated, the proprietor and vendor's interest reciprocal.

3. That all established shops, such as goldsmiths, silversmiths, tinmen, braziers, bankers, pawnbrokers, coppersmiths, blacksmiths, permanent wholesale dealers and retailers, washermen, dyers and putnees, in gunges, towns, and markets, shall pay a fixed annual tax for the police establishment; the amount to be estimated according to the business carried on by them in the markets or towns.

4. A list of these, in each town, to be previously obtained from the landholders, and specified in the khamah shoomaree, who are to be summoned and to enter into an engagement for the tax; after which the amount can be paid either to the tehsildars or police superintendents, or through any person they may select for the purpose, at the close of each year.

5. That, with a view of checking vice, the khankeergorha, or houses of bad repute, shall be subject to a tax, and liable to penalties for harbouring thieves or receiving or concealing stolen property.

The taxes levied as above, if approved, will be adequate to every purpose, including rewards, and for the effectual securing of the property of individuals; not only of those concerned in commerce, but the inferior classes of the people, who are now obliged to conceal their money under ground, and which being known, is the cause of the inhuman acts committed. I should recommend that a paper currency be established throughout your districts, from 5,000 R^{s} to 25 R^{s}, to be payable with interest of 5 per cent. on demand, in specie, in the same manner as bank notes, either at the treasury of the zillah or any other district that they may be produced in. This, though it must be effected gradually and progressively, from want of confidence at first, will not only be the means of securing property and checking depredation, but also add to the resources of Government in cases of emergency. Independent of this, from the body of the people having so much property in the hands of Government, it will most effectually secure their attachment; nor could the measure require a greater capital in each treasury than the proportion which, according to the banking system, is deemed adequate to the current demand of the respective districts.

34.—What has been the operation respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes now levied on spirituous liquors have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

35.—Do any measures occur to you the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the district?

Foundation schools should be established by Government for the instruction of the inhabitants, and which, for a small establishment, would be equal to the educating 1000 boys in each district.

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36.—In your opinion, what has been the effect of the regulation which declares persons convicted of the crime of perjury liable to be marked in the forehead?

It has not been carried into effect in this district; the operation, therefore, is undeterminable.

37.—What has been the operation of the punishment of transportation, introduced by the British Government?

Of essential utility, and should be extended as much as possible.

38.—Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or with too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

It is too lenient, and of course the consequences produced by the operation of the spirit in which the criminal law is administered is not so efficient as it ought to be for the suppression of crimes.

39.—What is the nature of the general conduct of the Europeans not in the service of the Company, who reside within your jurisdiction?

They conduct themselves with the greatest propriety.

40.—What is the general condition of the weavers and other manufacturers in your jurisdiction? Are the existing laws and regulations well calculated for ensuring justice to the weavers and manufacturers in their dealings with the officers of the Company and with private European merchants; and also for enabling the officers of the Company and the individual European merchants to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods?

The weavers and other manufacturers are happy, and the regulations adapted to insure justice to them as well as enabling Government and individuals to secure the punctual performance of their engagements: indeed the only obstruction is, the delays they are subject to in the courts of justice. This might be remedied by the court at all times giving a preference to suits which are connected with commercial concerns.

I have the honour to be,
Sir,
Your most obedient humble servant,
(Signed) *S. Middleton*,
J. & M.

Zillah Jessore,
the 30th November,
1801.

(A true copy) *Middleton*,
Judge and Magte.

To GEORGE DOWDESWELL, Esq.
Secy to Govt in the Judl Dept.

Sir,

I HEREWITH transmit and request you will lay before Government my Answers to the Interrogatories received by me with your Letter of the 20th of October last.

I am, Sir,
Your most obedient humble servant,
H. Straching,
J. & Magte.

Ziller Midnapore,
30th Jany 1802.

ANSWERS to the Interrogatories received by the Judge and Magistrate of *Midnapore*, from the Secretary to Government in the Judicial and Revenue Department.

Answer to Interrogatory I.—The number of causes depending before the Judge, Register, and Native Commissioners, on the 1st January 1802, was as follows: before the Judge, 197; the Register, 253; the Native Commissioners, 3,317.

Inty II.—The number of causes usually depending before the Judge and Register has been gradually diminishing since 1794 or 1795. The number depending before and decided by the Native Commissioners have been during the same period gradually increasing.

Inty III.—The number of causes decided in the year 1801 was as follows: by the Judge, 421; by the Register, 370; by the Native Commissioners, 14,559.

Inty IV.—I cannot positively say that as many causes as are now depending must necessarily be so always, because that depends on a great variety of circumstances, with some of which I have no concern. But as the business is now very nearly kept up, that is to say, as suits are decided almost as fast as they can be prepared for decision, I can say, in general, that I have no expectation their number will be reduced. I am now deciding suits which were instituted in the month of August and September last.

2. Many delays occur in delivering answers, replies, and rejoinders, owing to the expense of stamped paper.

Inty V.—

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Int^{y} V.—I am not prepared to suggest any rules (at least any which I conjecture would be approved) by which the decision of suits would be expedited, consistently with a due administration of the laws.

2. From my answer to the last question, it will probably be thought no such rules are required here.

3. I doubt whether the object would be promoted by leaving it optional with the Judge to take down in writing, or not, the depositions of witnesses in suits not appealable to a higher tribunal. I think it might be attended with inconvenience, and possibly of dissatisfaction to the parties.

Int^{y} VI.—I should not at all object to the plan of empowering the Registers and native Commissioners to decide causes for sums exceeding 200 rupees and 50 rupees; but not conceiving it necessary for expediting the administration of justice, or rather for clearing the file, (the sole view here proposed by Government I believe) I deem it superfluous to recommend it. I profess myself, on other grounds, a zealous advocate for enlarging the powers of the Munsifs, and I may embrace some opportunity of attempting to set forth the benefits to be derived from such an arrangement. Here I will only observe, that the expense of prosecution in the Munsifs Courts bears no proportion to that of the Dewanny Adawlut, and that it is my opinion the nearer we approach to the rule of granting to all speedy justice without any expense whatever, the nearer we shall in our judicial system approach perfection.

Int^{y} VII.—Litigation may possibly have been checked by the fees and stamp duty, but I confess I consider the charges too high.

2. It will not, I imagine, be denied that it is desirable the least tedious and least expensive mode of obtaining redress should be open, where an injury has really been suffered. When a poor man has been oppressed, he should be freed from trouble and expense, and assisted and encouraged, as far as possible, in prosecuting the complaint. He is not in such a situation a fair object for taxation. It does not become the ruling power to add to his misfortune by levying impositions upon him.

3. It is clear that a ryot, from whom an increase of rent has been exacted, and instituting a suit for the same, must feel the charge of stamps and fees to be a severe aggravation of his distress. Nor can he console himself under the reflection that these impositions are intended to check litigiousness, or that for certain reasons of finance it is expedient he should submit to new exactions.

4. The expense and delay to which ryots are subject in prosecuting their suits, are, to my knowledge, excessive. For the truth of this I would refer to the records of any register in Bengal. The duty of deciding revenue causes for a small amount, under the operation of the present regulations, has fallen chiefly on the registers. The rights of the inferior ryots are seldom discussed in the superior courts.

5. The welfare of those from whom all revenue and even subsistence must be ultimately derived, who are the poorest, the weakest, and the most numerous, who constitute the bulk of the people, is a matter of importance, and not unworthy the notice of Government. I have therefore thought it my duty to dwell on this subject with some minuteness.

6. It must, I am sure, constantly happen that a ryot gives up his prosecution in despair, on finding the expense of continuing it beyond his power to sustain.

7. Exaction of revenue is peculiarly difficult of proof: either no engagements exist, and no accounts can be found, or they are extremely defective and perplexing. It is not the original fee on the institution of the suit, but the subsequent charges on exhibits and on witnesses, that appear to me intolerable. I have often seen a suitor, when stripped of his last rupee, and called upon for the fee on a document, produce in Court a silver ring or other trinket, and beg that it might be received as a pledge, and after all, perhaps, he was cast for want of money to bring proof.

8. I confess I think such scenes in a court of justice unpleasant to those who are entrusted with the administration of the laws, and not very creditable to Government.

9. Formerly in these provinces (and it is still the case throughout the East) the cultivators of the soil, when oppressed beyond endurance, were accustomed to assemble in a crowd with ploughs and other implements, and demand justice with violent and outrageous clamour. They still, sometimes, resort to this practice, though with us it can avail them nothing. They are unable to support themselves at the Sudder during a proceedure of two or three months. They cannot return to their houses without submitting to their oppressor. They must have speedy justice or none. The complaints of these people are seldom or never litigious. I have seen some false complaints, and some conspiracies supported by false evidence, but suits simply litigious, brought forward merely from the quarrelsome disposition of the prosecution, are not common; neither, if they were common, would it, in my opinion, be proper to take any measure except that of fining the individual suitor.

10. The fact appears to me this, when the business of the Civil Courts became too heavy for the Judge, which very soon happened, instead of appointing more Judges, it was resolved, that to prevent the accumulation of causes, it was necessary to check the spirit of litigiousness, which was supposed to produce it; accordingly heavy taxes have been laid upon prosecution. Out of 100 suits, perhaps five at the utmost may be fairly pronounced litigious, and those five are probably instituted by men well able to bear the expense.

11. If what I have understood is true, that suits in the Dewanny Adawlut are now prevented from accumulating as heretofore, it is not because the litigious only are deterred from prosecuting, since a man is disabled from sustaining expense in proportion as he is poor,

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and not as he is litigious. Nothing else can be inferred from the fact, than that the charges of prosecution are so exactly calculated, and the fees and stamp duties so judiciously contrived, as to enable the courts to administer justice to all who can afford to pay for it.

12. Half that complain in the Dewanny Adawlut of this Zillah, appear as paupers, although these find much difficulty in complying with the regulation intended for the relief of paupers. No man can be admitted to prosecute as a pauper, under Regulation 46. 1793, till he brings two witnesses to attest his poverty, and two securities for his personal appearance; and no one can well do this without at least maintaining them and himself, during their absence from home. But the expense of such maintenance must exceed that of the fees and stamp paper for a suit of the nature I allude to, which aggregate sum, if the suitor has it in his power to pay, he is in strictness no pauper.

Int^{y} VIII.—The pleaders are very amply paid; the best are always employed most. They are not ill qualified, though few are well acquainted with the regulations.

2. The establishment of the pleaders has much facilitated the attainment of justice to individuals.

Int^{y} IX.—I think the establishment of licensed vakeels has contributed greatly to expedite the decision of suits, by bringing more speedily and accurately before the courts the merits of the suits.

Int^{y} X.—The vakeels in general discharge their duty with honour and fidelity; I have seen instances of negligence, but none of treachery to their clients.

Int^{y} XI.—The inhabitants at large of Midnapore, are, I imagine, nearly as well acquainted with the laws as the inhabitants of other parts of the country, that is to say, their knowledge is extremely limited.

2. None but the public officers, the pleaders, and those who are candidates for office, can be said to possess a general knowledge of the regulations. The zemindars, talookdars and farmers, and the merchants, know such regulations as concern them respectively. The one, the revenue laws, relating to the collections, attachments, &c.; the other, the commercial regulations, respecting duties, rate of interest, &c.; and among men of business, this knowledge of the regulations immediately relating to their particular occupations, is no doubt increasing, but I believe the regulations are very little studied out of Cutcherry. I never met with, or heard of, a native who possessed a full distinct comprehensive view of the regulations, any more than of the civil or political state of the country. No learned man, except a candidate for office, regards our institutions as a branch of knowledge which it becomes him to pay attention to. Of the Shaster and Koran all are equally ignorant, except the Mahomedans of education, whose learning extends to the quotation of a few scraps of the Koran of little or no practical use. All Hindoos, but Pundits, of whom there are not many in Midnapore, are entirely ignorant of the Shaster.

3. I should not omit, that it is my opinion, the most profound knowledge in the Koran and Shaster are of little service in the Cutchery.

Int^{y} XII.—I am not prepared to recommend alterations in forms, further than to offer my opinion, that as few as possible should be added, and that any opportunity should be taken of diminishing those which exist. Fortunately for the natives, they are not many; perhaps not more than are essential to regularity and expedition.

Int^{y} XIII.—The Judge sits in a chair, and the Molovy, if he attends, which he seldom does, in another; all the rest stand while in Cutcherry; but there are rooms adjoining where they sit on mats and carpets, according to their usage, converse with their clients, and, I believe, smoke hookas. I have introduced no forms or ceremonies whatever in opening the Court, nor did I ever hear of any such being used either during the present government or former governments. When the Judge enters the Court, all present make their obeisance; a criminal throws himself into a suppliant posture, and frequently a suitor likewise. These are the customs of the country, and happen of course, but no orders are given regarding them, and I know not how they could be settled by regulation. There is necessarily some little parade and constraint where an European appears, but except in that respect, which is inevitable, I am not aware that we ever depart from the simplicity so conspicuous in the administration of justice all over the East.

2. I give myself no trouble respecting the adjustment of ceremonials, except as to maintaining silence, which is easily done, and keeping off the crowd. Any measures to preserve decorum, appear to me superfluous, for a breach of decorum never occurs.

Int^{y} XIV.—In Midnapore, I cannot discover any schools or seminaries where the Mahommedan or Hindoo Laws are taught. There are schools in almost every village for teaching Bengally, and accounts, to children in low circumstances. The teachers, though tolerably well qualified for what they undertake, are persons no way respectable. Their rank in life I take to be generally very low, and their emoluments exceedingly scanty, certainly little superior to those of our lowest domestics. The schools are only day schools. The children sit in the open air or under a shed, and learn to read, write, and cast accounts, paying each perhaps one anna or two annas a month. I recollect it happened some time ago in the Foujdarry Adawlut, that a man charged with several thefts, when asked his occupation, said it was the teaching of children, and on sending for some of his scholars, I found he was eminent in his way; nor did it seem to excite much surprise that a man in this situation should turn out a thief.

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2. In opulent families teachers are retained as servants. The children of respectable natives do not go to school.

3. Persian and Arabic are taught for the most part by Molovies. Most men of this description have a few scholars in their houses, whom they support as well as instruct. Thus Persian and Arabic students, though of respectable families, are considered as living on charity, and they are total strangers to extravagance and dissipation. There was formerly a Mussulman College in Midnapore. Even yet the establishment exists, but no law is taught. There are a number of private individuals who teach pupils in the manner I have above described. And the students at the Sedder station, living in the families of Amlah or of the pleaders, perhaps occasionally pick up a smattering of the Mahomedan Law.

Int^y XV.—It is not easy to say whether the moral character of the natives has improved by means of the system established by us. In my opinion, the system has little direct influence on the morals of the people. They are probably somewhat more licentious than formerly; chicanery, subornation, fraud and perjury, are certainly more common. These constantly occur among the suitors and witnesses; and the pleaders, through whom it might be thought the Judge possessed some little power of check and control, never, I think, exert themselves to prevent them. Intrigue and corruption in the Amlah, so as to affect the actual administration of justice seldom happen; oppression, cruelty, violence of all sorts except that of decoits, choars, &c.; are grown much less frequent. The ill treatment of women, of servants and slaves, has nearly ceased. The same may be said of the corporal severities formerly exercised in collecting the revenue. The poor look up to the laws, and not as heretofore to a patron for protection. In some respect, therefore, the present mode of administering justice may be deemed conducive to good morals.

2. Drunkenness, prostitution, indecorum, profligacy of manners, must increase under a system which, although it professes to administer the Mahomedan law, does not punish those immoralities. None of these however prevail to an alarming degree in this district.

3. Midnapore contains no large towns. I beg leave here to offer it as my opinion, that little morality is learnt in any court of justice. In Calcutta, I have reason to believe the morals of the people are worst, in spite of the severity of the police and of the English laws; nor do I attribute this solely to the size, population and indiscriminate society of the capital, but in part to the supreme court. I scarcely ever knew a native connected with the supreme court, whose morals and manners were not contaminated by that connection. In mentioning this evil, which I by no means attribute to individuals, I trust it will not be imagined I mean to speak generally with disrespect of the institution of the court itself.

4. The bulk of the inhabitants of Midnapore appear to me to have very well preserved their mildness, simplicity and innocence. They retain the characteristic features of Hindoos. They are less quarrelsome, and give less trouble than the natives of the neighbouring districts. They are little in the habit of engaging in law suits; and it appears to me that but a small proportion of them have opportunities of seeing the practices and learning the vices of the Cutcherry.

Int^y XVI.—To answer this 16th Interrogatory is not easy. I cannot readily ascertain the opinion of individuals on these points. I have never observed any symptoms of distrust, and I should imagine the confidence reposed in the judicial officers, to whom the people look up as the safeguards of their persons and property, to be very general. The natives probably know the intention of Government's officers to be good; but that their rights and property are not in all instances effectually secured, the lower orders must see. That the magistrate has always the wish, but very often not the power, to protect their lives and property from choars and decoits, they must know. The ryots are not, in my opinion, well protected by the revenue laws, nor can they often obtain effectual redress by prosecuting, particularly for exaction and dispossession. The delay and expense attending a law suit are intolerable in cases where the suitor complains, which almost invariably happens, that he has been deprived of all his property. The cancelling of leases after the sale of an estate for arrears, must frequently operate with extreme harshness and cruelty to the undertenants.

2. One species of distrust in the supreme power is pretty generally known. The landholders are even yet apprehensive of the increase of their jumma, but this possibly less here than in some other districts, on account of the lands having been greatly over-assessed at the settlement, and since sold for arrears, and the old proprietors for the most part ruined. The lakeraujdars are, I am told, but of this I am not sure, in constant dread of impositions; and the best informed commercial people believe new taxes will be levied whenever they can be with effect. In short, a general opinion, I presume, prevails, that Government, in attending to the welfare of all, is studious of its own interest, and shews an anxiety about the general prosperity chiefly with a view to increase the available pecuniary resources of the state.

3. There exists, doubtless, an universal impression, that property is not liable to confiscation or gross violation by the supreme authority. It was formerly customary to bury in the ground treasure and valuable goods, and to conceal the acquisition of wealth; this is still done, but generally from the dread of decoits, never from any apprehension that the officers of Government will lay violent hands on private property. I am informed, there are hardly any instances of the zemindars or others, of the very few who possess wealth, lending it out to individuals on interest, or vesting it in the Company's funds. They prefer hiding it

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as their ancestors have done. This, I conceive, proceeds from ignorance alone, and certainly not from any well-grounded distrust in the faith of Government. From this remark should be excluded merchants, and all such as have correspondence or commercial transactions with Calcutta. Such persons frequently possess Company's paper to a considerable amount.

4. It will probably be found on inquiry, that the natives do not describe the present wretched state of the old zemindars to the unexpected difficulty of collecting their revenue under our regulations, or to other causes of a similar kind, which are unquestionably the true ones; they imagine it to be the result of a settled premeditated plan of policy in the Government to level and degrade its most powerful subjects.

5. On the whole, I do think the inhabitants of the district subject to my jurisdiction, must consider their property, as it manifestly is, entirely safe from violation by the officers of Government, or by the supreme executive authority.

6. There is certainly now little or no dread of arbitrary fines and imprisonment to extort money, nor of cruelties exercised in the collection of the revenue; all of which abuses were as notorious in the old native governments as they are still among the Mahrattas in the neighbourhood of this district.

7. With respect to rights, in the common acceptation of the word, I do not conceive that the natives ever possessed any. They know, because they feel, when they suffer oppression in their persons or property. But they must likewise perceive, if there are among them any who possess a share of discernment, that their safety from lawless encroachments is the result of the humane policy, the mercy and forbearance of their enlightened rulers, who agree to govern according to laws which shall bind even themselves, and not from any power residing in the people which could enable them to resist such encroachments. Although, therefore, they are, with respect to their persons and property, entirely secure from violation by Government and its officers, and though they may actually enjoy as much happiness, or nearly as much as they ever did, properly speaking they enjoy no rights and liberties. If they possess happiness and security it is not because they have a right to them, but because the equity or the policy of their rulers is pleased to confer upon them those blessings as valuable privileges and immunities.

Int. XVII.—I have no doubt Midnapore is rapidly improving in population and cultivation. With respect to commerce, except the internal trade in articles consumed by the inhabitants of the district, which of course increases with the population, I am inclined to think it nearly stationary, but certainly not declining; I must here however mention, that the Company's investment has, during the war, dwindled away to almost nothing; and that numbers of weavers who depended for subsistence on the advances of the commercial agents, and who are less able than other descriptions of artisans to change their occupations, are reduced to very great distress.

2. I have not heard of any buildings worth mention erected by the natives, either for religious or domestic purposes; neither are there any works carried on for manufactures. I am not able to discover, that in Midnapore any extensive commercial concern, requiring costly or substantial buildings or machines, was ever carried on, unless by Europeans. Contrivances for abridging labour are here unknown. I do not perceive the least spirit of enterprise among either merchants or farmers.

3. In Midnapore there are no religious buildings of any consequence. The natives are sometimes, from motives of vanity or of piety, induced to dig a tank; and this, though the least ornamental, I conceive to be the most useful of all public works; but the increasing poverty of the higher orders, and other causes, have contributed to make the digging and cleaning of tanks very uncommon, except in towns and a few other places where perhaps they are least wanted. In this district there are very few new works of this nature, but the remains of old ones attest the superior opulence of former times; at least they show that property was more unequally divided among the natives than at present.

4. The private houses of zemindars and other men of note consist either of forts in ruins, or of wretched huts generally worse than the stable of an European gentleman. It does not appear, however, that they were much better off for habitations when more wealthy; no vestiges of genius are visible in the ruins of the buildings and forts of Midnapore; nothing by which we could be led to suppose that the arts ever flourished. It may seem surprising that the opulent and respectable natives are so seldom tempted to imitate, as far as their domestic habits permit, the decent and commodious, but not splendid edifices which we are accustomed to build for our own residence, and that they have acquired no taste whatever for gardening. If the erection of buildings is to be reckoned a sign of prosperity, it is my opinion that the district does not at all improve in this instance; but it is to the climate and the manners of the people, rather than to any impression of the insecurity of property, that I attribute their perseverance in constructing for their own accommodation nothing but the slightest and most miserable huts.

5. The bulk of the people of Midnapore like those of other parts of the country, and I presume of other countries, acquire by their labour what is barely necessary to their existence, and little more. They work not with a view to improve their situations, but merely to enable themselves and families to subsist. They scarcely ever think of saving money, or of procuring themselves better food, clothing or habitations, than they have been accustomed to; yet labour is, I think, not ill rewarded. A ryot can with ease cultivate 16 biggars of rice, and supposing half the produce to go for rent, the remainder will afford food for four or five persons; and this is only one crop, the labour required to produce which cannot occupy half the year.

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6. The coolies or common labourers frequently earn a rupee or two rupees, which enables them to be idle for several days. It is usual for those who employ them to keep them in arrears, because when they receive money they are idle till it is spent; yet all those who drink spirits are strangers to luxury and excess of every kind, unless it may be thought proper to except tobacco as a luxury.

7. The situation of the lower orders is on the whole somewhat improved by our system of administration, but their nature is not changed; they are always in debt, and borrow at enormous interest. They are not stimulated to any efforts of industry by the security they enjoy, but solely by the calls of hunger.

8. The country is improved by increased population and cultivation. There are in number more ryots, but they are just what their fathers were; and hardly an instance can be found of a poor labourer becoming rich by dint of industry and parsimony. To their few wants, the uniformity and extreme simplicity of their habits, their unsocial education, and the heat of the climate; to these causes, and not to our laws, are, in my opinion, to be ascribed the peculiarities of the people.

9. Cultivation is increased by increasing population, for the ryots must work to live; it is very little extended by plans for the improvement of agriculture, or by revenue regulations. Waste and jungle land, if low and fit for rice, may be brought into tillage in one season, and the poorest ryot can undertake it; but a man of substance seldom employs stock in farming, under the expectancy of a distant return.

10. The class of mere labourers who work for hire is not numerous. Every ryot is a farmer, who tills the land for which he pays rent. Talookdars hold in their own hands little or no part of their own estates to cultivate by means of servants. The poorest ryots are tenants, and, by the custom of the country, they are considered as a sort of proprietors entitled to a perpetual lease. They are attached in the strongest manner to the soil, never migrate but from necessity; and I think they ought to be recognized as enjoying a right (they and their posterity) to their tenures.

11. Thus the lowest class of the people, however wretched in appearance, and depressed in spirit, possess a sort of independence, though perhaps not a beneficial or satisfactory independence. On the failure of a crop of rice very few are able to get employment, for there is no work to be done; they leave their houses, and being destitute of the means of procuring a livelihood by industry, are driven to subsist by begging or by robbing.

12. The poor, the sick, and the aged, besides great multitudes of idle religious persons, bramins, fakeers, and pilgrims, always depend on private charity alone. In times of plenty the resource of begging is perhaps sufficient; for all the natives are impelled by nature, habit, and religion, to assist each other with food when in distress; but in a famine the poor soon perish.

13. A famine in this country is, of all calamities to which the earth is liable, the most dreadful: it ought to be considered as perpetually impending; for that it has not occurred during several years is not to be ascribed to any measures of ours. The country is perhaps as populous as it was previous to the great famine in the year 1770; and if another scarcity, equal to that, should take place now, I do not suppose it would be less heavy. Individuals in the Mofusoul are less able to assist each other than they were formerly. Fewer private stores of grain are preserved; and I have been informed, perhaps without foundation, that Government have come to doubt the utility of the establishment of the public granaries.

14. The people are, or at least would be, in the event of a famine, less domesticated, and less dependent on each other. It is to be recollected, that, during a great famine, dependence, slavery, and captivity, are for the poor (that is for 99 in 100) highly enviable, and accordingly sought after with eagerness. Many hospitable families, where thousands might and would have been collected together and fed, are now entirely ruined. I trust I shall be pardoned for adding, that I doubt, in spite of all the information that has been got, and all the plans that have been suggested and adopted, whether Government are better enabled to apply effectual remedies than they were heretofore.

15. A great deal of rice was destroyed last rains by an inundation; and from the little information I have picked up respecting the neighbouring districts, I cannot help entertaining some suspicion that distress will be felt before the next harvest.

16. The condition of the ryots is, on the whole, I think, better, because their lives and limbs are safe from the zemindars and collectors of revenue. On the other hand, the dread of decoits, the expense of prosecution, and the spirit of prosecuting, the slowness of our legal proceedings, and the doubtfulness of the event of lawsuits, on account of perjury and other causes, all these are evils of the present day.

17. It is true that every man who is injured may prosecute; that he is considered as possessing a right to redress, and that justice is intended to be impartially administered; whereas in other states of Hindostan, for instance the neighbouring Mahratta country, there is no pretence of this. But perhaps in a few of the Mahratta estates which are best taken care of, where no poor man conceives that he possesses any rights whatever, and where all are aware that without the help of a patron they have no power to obtain redress for injury,—perhaps, I say, in these estates, less injustice is on the whole committed, and less misery felt, than in estates of the same size under our Government. In the Mahratta estates, there may probably occur one or two glaring instances of oppression, outrage, and cruelty, which are silently put up with, because there no inferior attempts to contend with his superior. In the Midnapore estates a number of poor men may be seen to set up for themselves, and are ruined by ineffectual contests, often about trifles, with rich and powerful individuals.

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18. I know not whether it will be thought that some of these remarks indicate an attempt to undervalue the advantages of an equal and regular administration of justice. This is far from my intention. But it may be permitted me to consider whether that justice is in reality equal and regular; whether the poor can obtain it as well as the rich; whether the state of the country or the nature of things will admit it. I am ready to confess my opinion that many are apt to make up their minds on these points from hasty and superficial views. It has always appeared to me a very great inconvenience and misfortune in the constitution of the government of this country, that the rulers have it not in their power to attain a sufficient intimacy with the lower classes of their subjects to enable them to judge with accuracy of their condition.

19. Where the cultivator of the earth lives under a dread of becoming the prey of extortioners, he cannot be considered secure of enjoying the fruit of his labour. Nothing can be more desirable than to attain a precise view of the situation of the natives, as connected with the collection of the revenue. On this topic I could wish to enter at some length, but I am aware of the difficulty attending the investigation, and particularly of my inexperience in the detail of the collector's department. I therefore in the outset beg leave to disclaim any intention to pronounce positively on revenue matters. The sentiments expressed in the following paragraphs will be the result of such views as occur to me on a general and cursory recollection of the subject.

20. In passing the 7th Regulation, 1799, it was, I believe, the design of Government (a very reasonable and liberal design, in my opinion) to enable the zemindars to collect their just demands of rent with punctuality, and without expense; and I think it would have been just and considerate, at the same time, to have facilitated to the ryots the means of obtaining redress against extortioners.

21. But the fact is, the ruin of one zemindar being more conspicuous at the Sudder than that of 10,000 ryots, his interests naturally attract the attention of the legislature first; and as, in the proposal of any plan connected with finance, it is required to set out with the maxim that the sudder jumma can on no pretence be lowered, there remains no other resource for helping the zemindars than the restoration of part of the power they possessed of old to plunder their tenants.

22. Exaction of revenue is now, I presume, and perhaps always was, the most prevailing crime throughout the country. It is probably an evil necessarily attending the civil state of the ryots. I think it rather unfortunate than otherwise, that it should be less shocking to humanity than some Foujdarry crimes. I know not how it is that extortioners appear to us in any other light than that of the worst and most pernicious species of robbers.

23. It will be found, I believe, that the condition of husbandmen in Eastern countries is incompatible with security, and that sort of independence which enables men to maintain themselves against oppression and violence. The public revenues, which are in reality the rent of land, are throughout the East collected by a system of extortion, violence, and barbarity of every kind.

24. In these provinces we of course endeavoured to put an end to this system, and with the greatest success; but before we had completely gained the object, we concluded the settlement, since made perpetual, forming it on an estimate of the resources of the lands. The resources were probably, by the zemindars, when they acceded to the settlement, considered as permanent, and not liable to be affected materially by further limitations of the authority they possessed over their tenants.

25. But owing to the natural operation of the regulations, they soon found themselves unable to rob and plunder as before. In consequence, most of them fell heavily in arrears, and lost the whole or great part of their estates; and many more were hastening to ruin, when Regulation 7th, of 1799, was enacted for their relief. It was indeed expedient to do something extraordinary for the zemindars, since it became very probable, at least so I thought, that in proportion as equal justice was administered, many of them were deprived of means to collect from the ryots sufficient to pay their sudder jumma.

26. The effect of Regulation 7th, 1799, has been to enable them, by means of attachments and sales, to realize their rents. But the frequency of these attachments and sales in the Mofussul would alone serve to prove that the revenues are not collected without extreme misery to the ryots; and a consideration of the expense and delay of prosecution, on which subject I have before touched in reply to Interrogatory 7th, satisfies me that the Dewanny Adawlut cannot afford the sufferers effectual redress against the abuse of the powers entrusted to the zemindars by the 7th Regulation of 1799.

27. It is chiefly to be ascribed to the regulation in question, I conceive, that the public balances are moderate, and that lands at the collector's sales fetch a tolerable price; yet, as if the mode in which the rents are levied, and the condition of the ryots were matters not necessary to be noticed, it is frequently pronounced at once as a position admitting of no doubt, that these favourable sales afford a substantial proof of the lightness of the assessment, and of the flourishing state of the country.

28. Under the Mahomedan government, the revenues may surely be said to have been collected from the zemindars by a system of boundless violence and rapine. Defaulters were liable to a cruel imprisonment, to be disgraced, scourged, and tortured. But the zemindars exercised the same severities over their tenants, or they could never have collected their rents. We have realized the revenues by selling the patrimony of defaulters. The zemindars realize their rents, not by corporal severities, but by vexatious attachments and ruinous sales. I suspect that till the zemindars are deprived of the power of distraining for arrears,

arrears, the ryots must be liable to exaction. I am not, I confess, clear that it would be possible for zemindars to collect their just rents, without some power of the kind, for their rents are now enormously high. They cannot afford to spare their ryots, for Government never spares them. It is generally known, that even the powers the zemindars possessed under Regulation 7th, 1793, were either insufficient or ill understood, and in fact they seldom exerted those powers till they were confirmed and extended by Regulation 7th, 1799.

29. I think it would be worth while to make the experiment of prohibiting distraint, unless preceded by a legal judgment; a summary inquiry might, by means of mofussul cauzies and munsifs, be made of every demand. Then the zemindars would be necessitated to adduce some evidence of their claim before they proceeded to enforce it, and would cease to be judges in their own cause.

30. The collector of this district has entered into minute and laborious enquiries on this interesting subject, which falls more immediately within his province, and will speedily submit the result to Government. I content myself with observing, that, to the best of my knowledge, the laws regarding attachments are greatly abused, and are productive of extreme oppression.

31. I have ascertained the immense population of the district, by an actual enumeration of a great part of it; it amounts to at least one million and a half. I have been enabled to compare it with one taken about 13 or 14 years ago in a few pergunnas. Two years after that enumeration a famine destroyed many thousands in this zillah; and if I have not found the present number, when compared to the old one, to be very great, there can be no doubt whatever that the cause is the famine alone. Increasing cultivation necessarily follows population, and is every where visible. To those who are tolerably acquainted with the internal state of the country, it is known that the population, unless checked by some great calamity, constantly increases very fast. It will be found that it is not the want of courts of justice, nor of a regular system of police, that prevents the prosperity of the provinces subject to the Mahrattas, where no battles are fought, where the ryots remain unmolested by military exactions, where the zemindar or his agent are seldom changed. The lands of the Mahrattas in the neighbourhood of this district are in a high state of cultivation, and the population is equal, frequently superior, to ours. I say frequently superior to ours; not that the natural increase of population is by us in the least obstructed, but because, in a well superintended Mahratta estate, there are, in addition to the natural increase, constant accessions to the numbers by emigrants from the neighbouring country.

32. It is the interest of the proprietor of an estate to take as much care of his ryots as a farmer does of his cattle, and that care is sufficient to promote their increase. The ryots of the Company's provinces enjoy that degree of security which is essential to their increase. This is not the case with the far greater part of the Mahratta country. Vast tracts of the Mahratta country are desolated, partial famines are frequent, and as population does not increase in those provinces, I conclude that the misery is extreme. Population can here be very materially affected only by war and famine.

33. Famine proceeds from drought, or inundation, and sometimes from war. From the circumstance of increasing population alone, we cannot, as many pretend, draw an inference of very high prosperity and good government. England is certainly a country enjoying a good government and great internal prosperity. But the population of the cultivated parts of Bengal surpasses that of England, and this population increases in Bengal in a far greater proportion than in England; though I imagine the government of Bengal will be admitted to be inferior to that of England. The situation of almost all orders of people here is highly favourable to the propagation of the species.

34. Every body marries. An unmarried man of 25, or an unmarried girl of 15, are hardly to be found. As soon as girls become marriageable, generally before, husbands are without difficulty provided for them. Marriage is a thing which happens of course; a necessary part of life.

35. The people live a regular, sober, domestic life, and seldom leave their houses, not being liable to be called upon for the performance of any military service or public labour or servitude, so common in most countries. Very few marriages are unproductive. The women, becoming prematurely debilitated and decrepit, do not, perhaps, bear so many children as those who marry at a riper age; but barrenness is extremely rare. Polygamy, prostitution, religious austerity, and the circumstances of young widows seldom marrying a second time, are the only obstacles I am at present able to recollect to the increase of population; and all these, though in themselves evils of considerable magnitude, being productive of individual suffering and inconvenience, I do not consider, in their general effect upon the population of the country, as very important. Among the causes of increase, are to be reckoned the extreme facility of rearing children. Here no infants perish of cold, of diseases proceeding from dirt and bad accommodation, nor, except in famines, of unwholesome food. The small-pox sometimes carries off multitudes of children. Inoculation, though it had been known for ages, is by no means universally practised. Sickness, however, is very uncommon among children. As soon as a child is weaned, it lives on rice like its parents, goes naked for two or three years, and requires no care whatever. In years of plenty, poverty scarcely ever prevents a man from rearing a family of children.

36. The political security afforded to this district from the ravages of the Mahrattas is the greatest blessing the natives could enjoy; but to imagine that the population has increased solely in consequence of our system of internal administration, appears to me most erroneous. Under the native government, the population had reached its utmost height, or very near it. Thirty years ago, nearly half the people were swept away by the greatest famine recorded in

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history. Ever since that period, except in 1790, when a partial famine happened, the numbers have been gradually increasing. I do not know that the increase has been more rapid during the last ten years than during the 20 preceding; although most of the abuses of the native governments, and many new abuses of our government, prevailed throughout the greater part of the last-mentioned period. Supposing the country to enjoy peace, I cannot easily conceive internal mismanagement so excessive as to stop the increase of population.

Int^y XVIII. I have had no opportunity of hearing discontents and murmurs, if any exist. It is evident, the natives in general have reason to be satisfied, because, compared with the old native governments, the English government is a good one, inasmuch as it secures the country from invasion, and on the whole very well preserves the lower orders, that is to say, the main body of the community, from the tyranny of the higher orders.

2. It is scarcely possible that much real attachment and loyalty to the ruling power can subsist among the higher classes. I do not however imagine, that in Midnapore there is much disaffection. There are scarcely any Moguls in the district. The total want of energy and spirit, the poverty and ignorance of the people, compose, in my opinion, the strength of our government.

3. The natives have, I think, great personal confidence in the Company's servants. They know it can only be under the sanction of a law, that new impositions or oppression of any kind can take place. Respecting the nature of the government and of our external interests they are all totally in the dark. In Calcutta, a degree of curiosity may sometimes be observed among a few natives, and a desire to converse on state affairs; but on such occasions, the best informed natives always betray an extreme ignorance. The most learned and intelligent have no knowledge of the law of nations. I do not believe they suppose the political measures of the supreme power to be founded in equity and moderation.

Int^y XIX. The present system of police cannot be said to be well calculated to ensure the apprehension of offenders, since of 100 decoits hardly ten are taken, and perhaps not two convicted.

2. Two years ago a considerable part of this district, almost the whole of the jungle mehals, was overrun by choars, who plundered and burnt several entire pergunnas, and committed murders daily. These choars must have amounted in number to some thousands, and I do not recollect that half a dozen of them were brought to justice. The means taken to restore tranquillity were very simple, and I am confident the only ones which could have succeeded; they are merely investing the jungle zemindars with regular authority to preserve the peace in their respective estates; and it is certain that the choars are for the most part at present in the service of the zemindars, and execute their trust of guards with fidelity and effect.

3. A short time ago I heard of an incursion of 2 or 300 choars, who committed several outrages, and then retired to a distant part of the jungle; none of them were taken, and there is little probability of a single man being ever apprehended. Nor does this happen in the jungles only. If a daroga reports a decoity having taken place within his jurisdiction, although the gangs are in general numerous, amounting from 20 to 200, the chances are perhaps against one being seized. If decoits are taken, it is either by mere chance, or by the help of gooyindas, who are themselves almost always accomplices. They are seldom or never taken in the fact, or pursued with success afterwards. Having long ago observed this, and conceiving that to prevent the crime of decoity (the greatest evil, in my opinion, existing in the country) it is highly advisable that the people should learn to defend themselves, I have frequently endeavoured to encourage the ryots to keep arms in their houses, and to learn to assemble on the slightest alarm of decoits, and assist each other.

4. In the district of Benares there is, I have heard, little or no decoity; not, I conceive, on account of the police being in the hands of amils, but because the people, or a large proportion of them, carry arms, and are able to defend themselves, there the ryots would assist each other in the event of an attack. They do not, like the helpless inhabitants of this part of the country, trust entirely to chokedars, who so very frequently join the decoits, and sometimes head them.

5. In case it should be thought that the prevalence of the crime of decoity or gang robbery, and the difficulty of apprehending and convicting the perpetrators, are here exaggerated, I shall take this opportunity of mentioning, that it is not from the convictions before the Court of Circuit, far less from the cases referred to the Nizamut Adawlut, that this point can be ascertained. Let the number and the nature of the acquittals be observed, and not only them, but the reports of every decoity received from the police officers or others, then some judgment may be formed of the truth or fallacy of my opinion, when I say, that of 100 decoits, if 10 are apprehended and two convicted, it is a larger proportion than I should expect.

6. I presume to say that those who are not aware of the enormous evil of decoity throughout Bengal, are those only who have not happened to enquire deeply into and meditate on the subject. It is literally true that the lives and property of the ryots are insecure, and, according to the common expression among the natives, that they do not sleep in tranquillity.

7. In Midnapore the Foujdarry business is, comparatively speaking, not very heavy. The convicts are few, and the calendar seldom, I believe, contains so many trials, or crimes of such enormity, as those of the other districts in this division; yet are these remarks regarding decoits, in my opinion, applicable to Midnapore, though less so than to other parts of the country of which I have happened to acquire some information.

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Int^{y} XX.—From my answer to the last Interrogatory, it may be inferred that I am of opinion the police establishments are inefficient; but I do not mean to say that they are inferior in Midnapore to those of other districts; when I say the police throughout Bengal appears to me bad, I rather speak in comparison with civilized European countries, than with any system known to exist in India. It is my opinion too, that several of the defects, which I shall presently endeavour to point out, are inevitable from the nature of our government, which is unlike all other governments.

Int^{y} XXI.—Since the year 1793, crimes of all kinds are increased, and I think most crimes are still increasing. The present increase of crimes may perhaps be doubtful; but no one, I think, can deny, that immediately after 1793, during five or six years, it was most manifest and rapid, and that no considerable diminution has taken place.

2. Great population and poverty, misery and crimes, particularly in a country where there is no public and consequently no certain and regular provision for the poor, where there are, I may almost say, more poor than in any country, and where the ability and the disposition of private individuals to support them are continually diminishing; moreover, the detection and conviction of offenders grow every day more difficult.

3. I ought to note here, that my experience does not reach beyond the period alluded to, in the question put to me; but as far as I have learnt of the state of the country previous to 1793, I conceive fewer crimes were committed, and it is certain the Foujdarry business in general was much lighter than at present.

4. The large gangs of decoits were formerly, perhaps, more common, and the sirdars more daring than now, but they did not rob so often. There are still large gangs of robbers who do not, except in the jungles, maintain themselves in a body; they disperse, mix in society, and appear at large; the darogas system has, I think, contributed to break these numerous bodies, to prevent the formation of more, and to apprehend the sirdars who were frequently supported by the connivance of zemindars, or other persons who possessed authority. The darogas are seldom or never in the pay of decoits, though they take nuzzers and petty bribes, and harass the poor in a variety of modes.

5. Decoits do not now often assemble in large bodies, and set the magistrates at defiance; they lie concealed; come about the court; intrigue with the lower officer, or with the jailer; ascertain the probability of detection, conviction and punishment; what sort of evidence may be requisite to disprove facts; and so on. In short, the country is infested with robbers and villains, who know how to elude the law.

6. That crimes have not increased still more, is owing to the providential occurrence of a number of years of plenty; in any calamity of season, I have no doubt crimes would increase to a most alarming degree. The ryots are now, though more independent, much worse protected from distress than heretofore. They once looked up to their talookdars, who could assist them, and who did to the utmost of their power, for it was their interest. The ryots now have no protector but the Regulations; and the Regulations, though they may serve to defend them in some measure from violence and barbarity, will not feed them.

7. Although antecedent to the year 1793, crimes were less numerous, the abuses which then prevailed in the administration of justice, were so great and various, as to constitute an evil perhaps greater, certainly more repugnant to our feelings than the present increase of crimes. Some of the abuses I allude to, are these: rich and powerful individuals were accustomed to take justice into their own hands; innocent men are very frequently punished on suspicion; confessions were extorted by force and intimidation even by the regular officers. Trials were conducted without much regard to fairness. The record of the trial was not kept up or made up complete. The prisoner was unable to make a defence. In all these ways, and more might be pointed out, great injustice was done, but at the same time, the punishment of offenders was less uncertain than it is at present.

8. I may here take the liberty to mention a few circumstances which have fallen under my observation, as operating to obstruct the conviction of delinquents under the present system.

9. I think the delay which occurs between the apprehension and the trial is too great.

10. The accused have time and opportunity to fabricate a defence, and very little money will procure false witnesses to support it.

11. The extreme length and intricacy of trials render the full and complete investigation of every case impossible; I think the duty of a Circuit Judge in this division, especially in the hot weather, too laborious for one man to execute.

12. The objection of almost every Hindoo of credit and respectability, to swear by the Ganges water, which is insisted upon in the criminal courts, prevents their appearing as prosecutors or witnesses, and forms another impediment to the conviction of offenders.

13. Another impediment, though of a very different nature from those I have mentioned, and much more difficult to remove, is to me too palpable to be overlooked; I mean that arising from Europeans in our situation being necessarily ill qualified in many points to perform the duties required of us as judges and magistrates. Nothing is more common, even after a minute and laborious examination of evidence on both sides, for the Judge to be left in utter doubt respecting the points at issue.

14. This proceeds chiefly from our very imperfect connexion with the natives, and our scanty knowledge, after all our study, of their manners, customs, and languages. Within these few years too, the natives have attained a sort of legal knowledge, as it is called, that is to say, a skill in the arts of collusion, intrigue, perjury and subornation; which enables them to perplex and baffle us with infinite facility.

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15. Some apology may be necessary for general remarks of this nature, yet I cannot forbear offering one more observation which has often struck me forcibly.

16. It appears to me, that we are extremely apt, owing perhaps to our being aware of the prevalence of deceit and perjury, to form unfavourable opinions of the veracity of the natives while taking their evidence; we perhaps judge too much by rule. We imagine things to be incredible, because they have not before fallen within our experience; we constantly mistake extreme simplicity for cunning; and we are, to the last degree, suspicious of our omlah. We make not sufficient allowance for the loose, vague, inaccurate mode in which the natives tell a story, for their not comprehending us and our not comprehending them; we hurry, terrify and confound them, with our eagerness and impatience.

17. The Judge of Circuit, and even his omlah, are strangers, and quite unacquainted with the characters of the persons examined, and the credit due to them, and always on that account, less competent to discover truth among volumes of contradictory evidence.

18. A rich man can seldom be convicted of a crime at a gaol delivery; if committed on the strongest positive testimony before a magistrate, he without difficulty brings twenty witnesses on his trial to swear an alibi, or any thing else that may suit his case; or he can bribe the prosecutor or his material witnesses; he has besides, a very good chance of escaping by the mere contradictions of the witnesses against him, particularly if what they have to depose to is long or intricate, or happened at a distant period, or was seen and heard by many witnesses of different descriptions and characters, or if many facts, names and dates, are to be recollected. No falsehood is too extravagant or audacious to be advanced before the Court of Circuit. No case, at least no rich man's case, is too desperate for a defence supported by counter evidence; and if once doubts are raised, no matter of what kind, the object of the accused is gained, and he is secure.

19. Perjury is extremely common, and though it occurs much more frequently on the part of the accused than the prosecutor, yet I have known several instances of conspiracies and false complaints supported by perjury. The Judge who has once had experience of a case of this kind, is soon plunged into doubt and perplexity, continually awake to the possibility of the witnesses against the accused being forsworn, and as he of course leans to the favourable side, the consequence must be, that the guilty frequently escape.

20. Instances have occurred of gooyindas and witnesses being murdered by decoits, for appearing against them in a court of justice, and this has inspired a very general terror, which operates to prevent prosecutors and witnesses from coming forward. Sometimes I have reason to think false evidence is brought to support a true story, lest the prisoner should escape for want of the legal number of witnesses.

21. For my further sentiments on this head, I beg leave to refer to my reply to Interrogatory 38, relative to the administration of the criminal law.

Int^{y} XXII.—I am not aware of any particular crime of enormity peculiar to this district, except that of plundering, committed by the inhabitants of the jungles, and of the Mahratta country. I have on former occasions, as my duty required, stated to Government the measures which appeared to me advisable to adopt for the improvement of the police in this respect. The crime does not at present prevail to very great extent.

2. The situation of Midnapore renders it liable to suffer from Mahratta robbers, who occasionally make expeditions for plunder, and immediately afterwards retire with their booty out of our territory. I last year stated to Government that several of the Mahratta zemindars on the frontier kept robbers in their pay, or were robbers themselves; I mentioned too, that if I could be authorized to pursue them into their own territory, I should probably be able to apprehend them, or put a stop to their depredations. I further informed Government, that knowing no other expedient, I had endeavoured to persuade some of the zemindars of this district, to arm and assemble their ryots in case of any attack from the Mahrattas.

3. These Mahratta depredations, as well as those of the Midnapore jungles, called Choaree, are committed for the most part by Pikes, that is to say, men whose province it is to guard the estates of different zemindars. When the pay and subsistence of these pikes become scanty and precarious, they betake themselves to robbery, and if instead of being checked, they are encouraged by their chiefs, they become extremely formidable. If the situation of the Mahratta pikes could be rendered as easy as that of the pikes of the Midnapore jungles, they would probably remain quiet.

4. But the zemindars whom they serve are under no controul, being themselves magistrates with unlimited power, and at the same time, as I have before mentioned, very frequently robbers.

Int^{y} XXIII.—Except in the jungles where the zemindars maintain large bodies of men, few of the natives keep arms of any description. It would, in my opinion, be fortunate if they did. The jungle pikes are armed with bows and arrows, swords, spears, and sometimes matchlocks.

Int^{y} XXIV.—There are several forts in Midnapore of stone and mud, but they are gone to decay. They were all, I believe, except the fort at the station, built long ago, and were well calculated to defend the inhabitants of the district from the incursions of Mahratta horse, but were otherwise useless. One contained lately about 20 pieces of artillery, of different sizes. The name of this fort is Bataw. It is situated in the jungle mehal of Bugree, formerly much infested by choars. I thought it best to remove the guns, lest they should

should fall into the hands of banditti, who, on my first arrival at Midnapore, were very numerous in Pergunna Bugree. The guns are accordingly brought hither, but they appear to be unserviceable.

2. The slightest rumour of the likelihood of a Mahratta war, produces much alarm among the natives of this district. They have now no forts to retire to, capable of affording them shelter, and they justly dread the ravages of cavalry.

Int^{y} XXV.—The number of the inhabitants of this district I compute at 1,500,000; about one-seventh may be Mahomedans, the rest are Hindoos.

Int^{y} XXVI.—The names of the persons of greatest rank and opulence are as follows: Durpnerain Roy, late canoongoo of Midnapore; Chundersekire Ghose, a considerable talookdar, formerly dewan of Mr. Peirce Judge, and collector of the district; Luckechurn Sutputtee, talookdar; Conni Podar, a merchant in the town of Midnapore; Chiton Podar, a merchant in the town of Midnapore; Durpnarain Bose, a merchant residing at Baminboorn; Kishen Sing, a merchant at Baminboorn; Anund Laul, zemindar of Midnapore and Narajole; Kishenbullub, zemindar of Narain Gur: Ruggonaut Chowdry, zemindar of Amersee; Anundnerain, zemindar of Tumlook; Rannee Jankee, zemindar of Misadul; Nurnerain, zemindar of Hidgellee; Gopaul Inder, zemindar of Soojamoota; Beerpershad Chowdry, zemindar of Kuruepoor and Bulrampoor; Juggunnaut Dole, zemindar of Gutsela; Lutchmineroin, zemindar of Chutna; Bidenaut Chowdry, a considerable merchant, and zemindar of Coerachore: none of these entertain armed followers, except perhaps ten or a dozen peons for state. But some of them have pikes in considerable numbers to keep the peace in their estates. These pikes are under the magistrates orders.

Int^{y} XXVII.—I am not able to name any persons in the district as disaffected to the British Government, having seen no symptoms of disaffection. There are a few zemindars on the borders, connected by marriage and consanguinity with their neighbours the Mahrattas, and I think it possible these zemindars would prefer the Mahrattas as rulers. The jungle zemindars I look upon as lawless, turbulent, quarrelsome chiefs, but not as wishing for a change in the Government. The dissaffected throughout the country, I imagine, consist for the most part of ruined Musselman families, residing chiefly in large towns.

2. There is here as elsewhere, a very numerous class of the lower orders ready to serve under any standard where they can get subsistence; these have no idea of loyalty or disloyalty, except to their masters who support them. They would readily enlist with a foreign power; but I do not call them dissaffected, because custom and necessity lead them to hire themselves to any master who may be able to maintain them. I here allude to the description of men commonly employed as peons. They will not often enlist as sepoys, on account of the constraint attending the European discipline, and in some instances from religious scruples.

I think the natives in general do not look upon the crime of treason against the state in the light we do. In fidelity and attachment to a master or a chief, whoever he may be, they are not surpassed by any people; but those who stand in the mere relation of subjects without being in the service or pay of the supreme power, do not feel themselves bound by any very strong tie of allegiance.

Int^{y} XXVIII.—If Government declares itself the sole source of honour, the natives will not, I think, comprehend the declaration, and therefore it can have little effect in strengthening their attachment. An institution, or measure of Government, founded merely on European customs, must be useless and unintelligible.

2. Our Government, if I may presume to offer my opinion on the subject, appears to me very strong, and secure from serious internal commotion, although the natives can hardly be said to be attached to it, for none of them understand it. No Government ever stood more independent of public opinion. I never knew one native who had even a remote idea of the political state of the country; and can it possibly for a moment be supposed that the people of Bengal dream of subverting the Government. They are in this respect the most ignorant of all people, and the most helpless, having no power to combine or enter into a league for their own interests. I am persuaded no oppression exercised by the ruling power, supposing it the greatest possible; for instance, general arbitrary requisitions made on the property of the inhabitants, would in Midnapore produce any resistance. At all events no mob could collect sufficiently formidable to resist a company of sepoys. I have no idea that the natives here ever consult or converse on political subjects.

3. The army is powerful, and certainly to be depended upon as long as it is paid. The sepoys are like the rest of the natives, entirely uninstructed as to the form of the government, of the policy of their rulers, and of the justice of their wars. It is in this ignorance and apathy that our strength consists. Nor do any precautions appear to me necessary for our security against factions and cabals. I see no tendency whatever to improvement among the natives, except their increasing knowledge of the Regulations, which, in speaking of the progress of political philosophy, is scarcely worth mentioning.

4. With respect to the eligibility of conferring titles and honours on the natives, it might possibly, if practicable, be of use. It might serve to attach them to the Government, and to hold themselves in estimation; but how such an arrangement is to be brought about I have no conception. Between our ideas of honour and those of the natives there is no principle of assimilation. In the European world, and even in those countries of Europe where a despotism prevails, there still subsists between them, the sovereign, and those who may be distinguished with honours, a perfect uniformity of sentiment; they possess

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faults and virtues in common; their ideas run in one current, and a sort of equality is preserved in spite of the distinction of ranks; but here this is not the case. The spirit of a gentleman in our sense is unknown among the natives; they possess no feeling in common with the hakim; they move in a sphere which a thousand moral and physical causes prevent our coming in contact with.

5. On whom, I beg leave to ask, can titles be conferred, when none are placed in a situation where it is possible to render themselves eminent or conspicuous? How can their merits be known, when their rulers have no connection with them; when there is no intermediate class between the sovereign power and the common people? Surely it will be recollected, that the distance between us and the natives is infinite. The greatest zemindar in this district, though possibly a proud man, would not refuse, for the promotion of his interest, to court the friendship of the lowest dependent of an European; and how is it possible to prevent this? We find it so, and may lament, but cannot help it. There is scarcely a native in this district who thinks of sitting down in the presence of an English gentleman.

6. The men of opulence now, are the Hindoo mohageris and banyans of Calcutta, and they are all men of yesterday. What can they perform to acquire titles; and if they had them, would not Government probably make them ridiculous instead of ennobling them?

7. The greatest men formerly were the Musselmen rulers, whose places we have taken, and the Hindoo zemindars. These two classes are now ruined and destroyed. The natives most looked up to are our omlah and our domestics. These are courted and respected. They necessarily must be the channel through which every suitor and every candidate looks up for redress and preferment. It is not, I imagine, proposed to ennoble them.

8. No native can greatly distinguish himself as a soldier. For he can never rise beyond the rank of a soubadar; and, I understand, it has been rather the policy to depress than to raise them. That they are taught to humble themselves before Europeans. And, in short, that they have no opportunity of acquiring titles.

9. Men in the learned professions have, if possible, still less opportunity of recommending themselves to us; and, if they had, could not, I conceive, be rewarded with titles. To bestow a title on a learned molovy or an able vakeel, would appear strange. Moreover, according to oriental ideas of honours confirmed by the sovereign power, there must be a jageer, and generally a military command to accompany the title, which in itself is merely an appellation of course attached to the acquisition of emolument or power. No man can be made a rajah or munsubdar without being invested with the profit or power attending the office.

10. It will not, I think, be easy to impress the minds of the natives, open as they may be supposed to every vain, absurd and fantastical notion, with the value of a mere name. Their ideas are more simple and natural than ours. If an unfit person received a patent for the title of an ameer or a rajah, he would not, I imagine, be able to retain it; for when a man has nothing left of his dignity but the name, it soon wears away. On the other hand, if a Hindoo should emerge from poverty and obscurity, and come to attain great wealth or celebrity, he would, I dare say, if he wished it, without a formal investiture, be saluted Rajah. He would be considered as having acquired a claim to a title, in the same manner as other persons, by learning, acquire the appellation of Molovy and Pundit, which become inseparably attached to their names.

11. The only cases in which titles can be given are, perhaps, when zemindars or other natives of wealth or consideration embrace opportunities, in case of invasion or conspiracy, of evincing loyalty to Government. But even then pensions or jageers should accompany the titles.

12. It may be proper to add, that my remarks on the general character of the natives are the result of my own local enquiry and experience, which are confined to a small part of Bengal and Midnapore only. Of the character of the inhabitants of more distant parts of these provinces I can pretend only to that general hearsay information, which is necessarily very imperfect.

Int^{y} XXIX.—Respecting such roads and bridges as require repair, separate Reports have been made either by the collector or the magistrate. They have been hitherto kept in repair at the expence of Government.

Int^{y} XXX.—The convicts are very properly and advantageously employed in clearing the jungle in the vicinity of the station, and occasionally repairing roads, digging or cleaning tanks, and other labour of a similar kind, but chiefly in clearing jungle. The clearing of jungle I look upon as a public benefit, not much with a view to cultivation, but to improve the salubrity of the air.

2. If the convicts were as numerous here as at some other stations, I might perhaps propose a plan for attempting, by means of their labour, to extend cultivation; more than two-thirds of this very extensive zillah consists of a jungle swarming with noxious animals, and exceedingly unhealthy, though the land is for the most part rich and fertile.

Int^{y} XXXI.—Half the fort of Midnapore is used as a jail, and answers the purpose perfectly well. It is large and secure, but it wants repair, great part of the roof, which is not arched and built of masonry, but flat with beams, being damaged. The dewanny jail and hospital are thatched buildings at a distance from the fort. The prisoners of all descriptions may be said to be well accommodated, according to the native ideas of accommodation.

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Int^{y} XXXII.—It is my opinion, as I once before had occasion to mention to Government, that the procuring the assistance of the men of property and influence in preserving the peace throughout the country, would lead to a system of police the most efficient, the most economical, the most suitable to the habits and opinions of the people, and in all respects the best calculated for their comfort and security.

2. My opinion has been confirmed on this head, by observing the good effect of the regulations of police, which I was empowered last year to carry into execution in the jungle mehals of this district.

3. At the same time I should remark, that this arrangement could not well be adopted universally, but only in estates of a certain extent. I by no means recommend investing men of inconsiderable rank or small estate with magisterial power. But all might perhaps, without danger, be empowered to seize offenders on their own estates.

4. The lands are now divided into a number of small portions. More estates are superintended by agents than formerly, and these agents are frequently changed, and little respected by the ryots. I do not think it at this time advisable or practicable at once to throw the whole duties of the darogas by a general regulation into the hands of the landholders.

5. It is extremely difficult, I may, I believe say, it is not possible, to arrange an effectual plan of association and co-operation among the higher orders for purposes of police, or for any other purpose. We have few large towns, no societies exercising or capable of exercising municipal authority. There are no gentlemen in whose honour and probity, in whose spirit and activity, Government can repose confidence. There exists not between the common people and the rulers a middle order who feel a common interest in the prosperity of the state, who love their countrymen, who respect their rulers, or are by them respected; who either could, or if they could, would, even in a case of the greatest exigency, exert themselves heartily and effectually, each in his own sphere, for the public good. Such a set of men in the society is here unknown. Government is unable to direct or in any way to make use of the power of the individuals composing the community. Hence our extreme ignorance of all that passes, our complete inability to detect and apprehend offenders, to explain to the public what we wish should be known, and persuade them what should be done. Hence the long continuance of enormous abuses, without its being possible for Government or for the magistrate to prevent or to discover them.

6. To apply effectual remedies to radical evils of this sort, is hardly to be hoped for. It will not, I imagine, be expected from me that I should suggest projects to this end. I do not forget that such evils are political, with which a magistrate has no concern; nor shall I be surprised if they are denied to exist altogether. I content myself with observing, that any measure which would secure to Government the services of a considerable number of the most respectable members of the community, must prove, in many points of view, beneficial.

7. The zemindars, it will be recollected, possessed, under the native governments, a degree of power nearly proportionate to their property. Although that power was, perhaps, not formally recognised, nor regularly exerted, still they did possess a considerable degree of military, civil, and fiscal power. They kept their dependants in a state of union, and were by that means enabled to protect them and maintain themselves. At present, such as have survived the almost univeral destruction of zemindars, are, in conformity to our notions, reduced to the same condition, and placed at an equal distance from us with their lowest ryots. Any measure that has a tendency towards the restoration of this power (though I confess I have no distinct conception of the mode in which it can be accomplished) must, I think, advance a step towards the creation of a body of gentry, who, though they should never be actuated by the same motives as ourselves, nor possess any feeling in common with us, may yet perform great services to the public. Such a measure would, in my opinion, bring the lower orders more distinctly under the eye of the magistrate. It might enable us in some slight degree to excite awe, to impose restraint, to awaken national ardour and love for the Government. Our moral impotence to produce any effect of this nature on the minds of the people, which is at present sufficiently apparent, might be, I think, if not removed, at least gradually diminished.

8. To the propriety of any plan that would invest the higher orders with a liberal authority, that would encourage and enable them to act without fear, in concurrence with Government's officers, for the public good, I beg leave to subscribe my humble opinion.

9. Among the natives there appears to prevail a general notion, that the Regulations are calculated to restrict the powers and embarrass the operations of police officers as well as of individuals, in their exertions for the detection and apprehension of offenders. This notion, whether founded in experience or ignorance and error, can hardly fail to produce pernicious consequences.

Int^{y} XXIII.—It is my opinion, and I wish to express it on every opportunity, that we are not able to protect the ryots from decoits, that there is little prospect of our being able to do it, and that it is, in justice, humanity, and policy, incumbent on us to exhort them to arm and assemble when occasion requires, to the end that they may possess, as far as possible the means of defending themselves.

2. For the more effectual suppression of crimes and improvement of the police, I would recommend increasing the power, the emolument, the respectability of the police officers.

3. The darogas, I believe it is generally confessed, do not perform the duty that was expected. They are clearly either unable or unwilling. They do not appear to be often guilty of gross criminal malversation, such as harbouring or conniving at, aiding and abetting

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decoits, receiving stolen goods, or releasing prisoners. Their insufficiency consists, I think, in a general neglect of duty, in petty rogueries, in a want of respectability, in being destitute of that energy and activity and that delicate sensibility to character which ought to characterize a police officer. A man whose entire duty consists in maintaining personal authority, should be conscious of his own importance, and competent to convince others of it.

4. In the duties of his office a daroga is hardly occupied half an hour in a day, and he often becomes negligent, indolent, and in the end corrupt. His dishonesty consists in taking bribes from poor people who have petty Foujdary suits, in conniving at the absconding of persons summoned through him, in harassing ryots with threats or pretended complaints, creating vexatious delays, in settling disputes or preventing their being settled by razeenama, and chiefly in deceiving the poor and ignorant with whom he has to deal.

5. The avowed allowances of a police daroga are not sufficiently liberal to render the office worthy the acceptance of men who are fit to perform the duties. It would be easy to make every daroga a munsif within the limits of his tanna, and it strikes me that such an institution would be advantageous in many respects. Some are of opinion, that the more power the natives have the more they abuse it; that they are utterly unfit for any but the lowest employments; and that however great their salaries, moderation and disinterestedness can never be expected from them. This appears to me a mere fallacy. A few objections may suggest themselves to my proposition, of investing the darogas with authority to decide civil suits, but no solid ones occur to me. If I thought the hint likely to be approved, I might attempt to discuss it at further length.

6. After all, the grand defect is the want of that anxious solicitude which a police daroga ought to feel in the discharge of his duty; particularly as he is almost invariably a stranger, possessing no personal interest in preserving the peace of his tanna. This is one of the situations which require something more than a mere methodical attention to official routine. A police daroga should feel himself a magistrate, should be ready at all times, night and day, to go from place to place to seek information, to pursue offenders, to oppose force to force if necessary, and, in short, to exert himself in a thousand ways wherein he might do good, but without which he may obtain his object; viz. that of keeping out of scrapes, and maintaining a tolerable character.

Int^{y} XXXI.—No alteration as to drunkenness or sobriety has been remarked by me since the establishment of the last tax on spirituous liquors. Probably drunkenness increases, not in consequence of the tax, but from the general cause of increasing population. Besides, the lower castes, who are almost the only drinkers of spirits, are, I think, getting rather more licentious in their manners, and less scrupulous on the score of religion. Among the higher castes it is still held disgraceful; and though some are addicted to the vice, it is very rare, and always kept as secret as possible. There are many reasons for wishing, if it were practicable, which I hardly think it is, to abolish entirely the sale and manufacture of spirits. They are exceedingly injurious to the health of the lower orders of the community. They afford no comfort, as in other climates; all who drink do it to excess, and scarcely ever leave it off.

2. One objection only occurs to me, which, though it may appear somewhat overstrained, and perhaps imaginary, I will nevertheless mention, because, if well founded, I consider it of the last importance.

3. The distillation of spirits occasions a large consumption of rice: any diminution of quantity in the regular annual demand for rice, I conceive to be pernicious to the country. The more is required for any purpose, the more will be produced. The chief means of alleviating the horrors of a famine, would be to increase the quantity of rice appropriated for food. By stopping the distilleries during a season of scarcity, which might be done by an exertion of the magistrate's authority, there would be found a very considerable resource. A quantity of the first necessary of life, instead of being converted into the vilest and most unwholsome liquor, might thus with ease be brought into the market for the sustenance of the people. But if these distilleries were abolished altogether, it strikes me that the demand for rice would immediately diminish, and that, in consequence, to the manifest detriment of the country, less would be produced.

Int^{y} XXXV.—To attempt any material improvement or alteration in the moral character of the natives by the intervention of legislative measures, I look upon as vain.

2. They no longer consider the laws as a part of their religion. I do not even see that with us, law and morality have much connection. It is the province of the magistrate to quell disorders and preserve peace; but as to good morals, I am not aware that, either by precept or example, we are capable of producing any effect whatever. The vices and the crimes of the people proceed from their poverty and ignorance, and I do not conceive they are likely to grow much richer or wiser, while the present state of things exists.

3. This assertion, however, that the vices and crimes of the people proceed from their poverty and ignorance, I would wish to be understood with limitations. Where considerable numbers are collected and associate together, especially if there happens to be much inequality of rank and fortune, the morals of the people are worst; though, compared to the inhabitants of other parts of the same country, they may be said to be neither indigent nor uninformed; but in such situations they are liable to fall into bad company, and to acquire new habits and new wants. The same may be observed respecting such

persons

persons as have occasion to attend our Cutcherries. They get into bad habits. It is not always, therefore, that the people are worst where they are poorest and most ignorant. Nevertheless the assertion is, in my opinion, generally speaking, true. It is certain that where labour is amply rewarded, where all can easily get employment, and where the poor are provided for, the people lead industrious and virtuous lives; and it will be observed, that in remote parts of the Mofussel, where debauchery and dissipation are little known, very few resort to depredations on the public, except from necessity.

4. Most but not all decoits begin their evil practices from necessity. A ryot, finding some difficulty to subsist, either from his imprudence or ill fortune; a peon or other servant, losing his place and unable to procure another; a cooly, finding no employment; such persons, of which in this populous country there are always many thousands, often take to stealing, are corrupted by vicious companions, drink spirits, and are gradually led on from impunity and habits of idleness to become decoits, and depend on robbery alone for subsistence.

5. The people are, I presume, little different from what they were one thousand years ago. The Mahomedan Government had hardly any effect on the national character; and our Government must have still less, because we do not, like the Mahomedans, coalesce with the body of the people. We cannot mix in their society: we have made no attempts to introduce European science and learning among them. They appear to me as far from adopting our customs as we are from adopting theirs.

6. The power of the Bengal Government appears to me, of all governments, the most unquestionably despotic over its subjects. The submission of the natives is perfect and unqualified; so complete as to preclude the necessity of concern or intimidation of any kind. All appearance of military interference in the police is or may be kept out of sight. It is the principle of ignorance, and not of fear, that at present preserves us; and I should imagine, it will be only when European laws, religion and literature come to be disseminated in this country, that it will be necessary to draw the reins tighter; and to shew, what we certainly at present possess, power irresistible to command obedience.

7. But this sort of power, the result of policy and force on the one hand, and utter ignorance and wretchedness on the other, does not suppose any influence whatever over the hearts of the natives. In fact, if any change has been introduced in their habits and tastes since they became subject to our dominion, such change may very well be termed accidental; but I am not myself sensible of any very material change.

8. It is in Calcutta alone that the effect of the intercourse between Europeans and natives is in any degree visible. There, and there alone, an indistinct sort of link may be discerned between the rulers and the people: but how extremely faint and imperfect this link is must be well known. The lowest and poorest Europeans, and the native born Christians and Portuguese, between whom and us, it is scarcely necessary to say, there subsists little connexion or similarity of pursuit, do, in some slight degree, mix with the natives in their ordinary concerns and their amusements, just sufficient to produce an inconsiderable change in their manners and character. The circumstance of the jurisdiction of the Supreme Court too, and the intercourse between the natives and the lowest officers of that Court, must be considered as another cause of the same nature. But I ask, whether the morals of the people are in any respect improved by these causes?—whether they have not learnt all the low arts of chicanery, imposture, and litigiousness, peculiar to an English court of justice, without a particle of plain dealing, firmness, independence of spirit, or useful knowledge of any kind?—whether they do not reap all the evil, and none of the good?—whether they do not imbibe those principles of the European character which tend only to impair the mildness and simplicity of their own? To pronounce upon these questions is, I fear, not very difficult.

9. Moreover, I would appeal to those who, from their situation or habits, are accustomed to consider these matters without attention, whether there have not, of late years, been introduced and extensively established, professions heretofore almost unknown; namely, those of informers, sharpers, intriguers, suborners, and false witnesses; whose sole occupation is that of preying on their fellow creatures, and whose long career of impunity convinces them that honesty is the worst policy.

10. And if such is the case, can we doubt to whom we ought to attribute this change of character? To me it is most manifest, that our Mofussul Courts of Justice have produced some evil as well as much good, and perhaps it may not be wholly useless to point out the circumstance.

11. Whenever I observe, in the behaviour of the natives, symptoms of insolence, illnature, brutality, litigiousness, drunkenness, (which I confess I very seldom do) knowing these qualities to form no part of the national character, I cannot help entertaining a suspicion, that they have either contracted them by their intercourse with low Europeans, which, in most situations, can hardly happen, or that our system, some how or other, has a tendency to produce and encourage them.

12. The natives are certainly, in disposition, not brutal and inexorable. They are mild, humane, and placable. But no rule is without an exception.—It must be admitted, that the criminal records of this country will furnish such instances of cruelty and ferocity in decoits, as perhaps no country in Europe can equal.

Int^y^ XXXVI.—The punishment of marking the forehead of perjurers, which I do not recollect to have ever known inflicted, has, I suppose little effect, good or bad. Perjury has increased greatly, and is increasing. I question whether any man is deterred, by his being aware

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aware (and few are aware) that he will be liable, in addition to the old punishments, to the new punishment of being branded in the forehead.

2. I take this opportunity of remarking, that to render generally known any penal law is extremely difficult, particularly among the lower orders of the people: till they see the effect of it, they remain ignorant of it, and this in spite of advertisements and proclamations. News, and information of all kinds are, in Bengal, very slowly and inaccurately transmitted from one to another: among us, events obtain publicity through the means of periodical prints; of epistolary correspondence, and of verbal communication. Among the natives, there is nothing of the two first, and even of the other hardly any.

Int^{y} XXXVII.—The punishment of transportation has, I should imagine, as good an effect as severity of punishment can have. It is not in my power to say, that the dread of it has ever operated to the prevention of a crime; but as it is much dreaded and well known, because frequently executed, there is every reason to believe that it has.

Int^{y} XXXVIII.—I am not, on the whole, of opinion that the Mahomedan law is administered with too much lenity, though I think the punishment of decoits is frequently too light. Many a felon is hanged in Calcutta by the Supreme Court for a crime which, on conviction in the Mofussul, would incur the penalty of only a short term of imprisonment.

2. The alterations introduced by us are, in general, obviously reasonable and proper, and such alterations may possibly have a good effect on the minds of the natives; but I must observe, that though the criminal law administered here is supposed to be the Mahomedan, either the laxity of interpretation to which that code is liable, or other causes, operate, in most cases, to prevent any thing peculiar to the Koran from appearing, either in the sentence or in the mode of conducting the trial. In effect, our Mahomedan law, as far as I can learn, bears no resemblance to that of Turkey, Arabia, Persia, or other Mahomedan countries, and very little to that which was administered here by the native governments.

3. The Mahomedan criminal law was administered by the naib Nazim before the British Government took possession of that department; yet a very great change is introduced. I do not here allude solely to the amendments enacted by special regulations, such as the abolition of the punishments of mutilation, refusing a pardon to the accused, although the heir may forbear to prosecute, and some others. The harsh laws of the Koran against drunkards, and the absurd ones against adulterers, are, in our time, never executed; they have fallen into disuse of themselves, and it seems no regulation is requisite to prevent their revival.

4. Many cases do not occur which, strictly speaking, the Mahomedan law provides for. When kissans, or retaliation, is incurred, it is generally by assuming some fiction or other, respecting the witnesses or the prosecutor, and the laws of Huddood, which, according to the received doctrine of Islam, it is not permitted to man, in any case, to remit or alter, since they constitute the essence of the criminal code, and of the practical religion of the Mahomedans. These laws are, through the necessary operation of various causes, I believe, entirely disused and virtually abrogated by us. But it is a maxim of the Mahomedan law, though not perhaps of the Mahomedan religion, that all crimes, the cognizance and punishment of which are not provided for by kissans or Huddood, shall be left to the discretion of the ruler of the country; accordingly most sentences pass or should pass by seasut or tazeer.

5. The most material change effected by us, is not in the punishments fixed for particular crimes: it is less, I think, in the laws themselves than in the mode of executing them. It is a common saying with the natives, that the gentlemen require so much evidence, that it is scarcely possible to convict a decoit. The old way was very different; the accused almost always confessed, whereas none now confess but the most simple and uninformed. I have seen several old records of trials, and I observed, that almost the whole of those convicted had confessed; they had no assistance in making a defence; witnesses seldom or never were examined for the prisoner; they confessed because they knew it would be useless to deny; when evidence appeared against them they gave themselves up in despair, and never thought of a defence; moreover, they were generally beaten till they confessed. An old Foujdar, with whom I have frequently conversed, has told me, that his rule was to inflict so many stripes for denying such a crime, after the prosecutor had sworn to it, and, if I mistake not, this was pretty general. One would think, no man would now confess, but a fool or a madman; yet at the Tanna confessions are still common, and even in Court rude and very illiterate men from the jungles sometimes confess. They do it, I imagine, only from despair; I can see no other motive; they imagine the hakim has detected them, and that to tell a falsehood would only make their case worse; they have no conception of a custom which not only tolerates falsehood in the mouth of the accused, but absolutely encourages and dictates it.

6. It will not, I trust, be supposed that I wish to recommend the extorting of confessions a ground of conviction. I merely intend to point out a circumstance in the old administration of the laws, which appears to me to have had a considerable effect in insuring the conviction of offenders. It is probable that the innocent sometimes suffered, but I have no doubt the guilty seldom escaped, except by collusion, when once put on their trial. On the ground of notoriety of bad character, it was usual to detain persons in custody for an indefinite period.

7. Without doubt the present mode of conducting trials is more regular, satisfactory, and decorous. The record is properly kept and made up, and every thing is conducted with fairness

fairness and humanity towards the prisoner; nor could we reconcile it to ourselves, to recur in any degree to the native mode of trial. Yet I am inclined to think, that an intelligent native is better qualified to preside at a trial, than we can ever be ourselves; and a few very simple rules would perhaps suffice to correct the abuses of former times.

8. The Mussulman law officer of a Court of Circuit, though he may occasionally assist in the examination of witnesses, and though he writes the Futwa, is not the person who conducts and presides at the trial. The opinion and influence of the Judge must predominate, nor can the natives act as our colleagues.

9. With respect to civil suits, all to the amount of 200 rupees, that is to say, more than nine-tenths of the causes throughout the country, are decided by the Native Commissioners and Registers. The labouring class of people, whose monthly subsistence may amount to two rupees at most, can scarcely ever become suitors for a greater sum than 200 rupees. The decison of their causes is therefore, in the first instance, in the hands of the Registers and Native Commissioners. It is hardly necessary to mention, that the Native Commissioners, at least those of them who are Hindoos, have no knowledge whatever of the Mahomedan law; nor, I imagine, would the parties in a suit, though they might happen to be Mahomedans, object to the competence of the Judge on the ground of this ignorance of the Mahomedan law.

10. I have before mentioned, that the pleaders in the Civil Courts are very ignorant of the Mahomedan code. They are mostly Hindoos. Should learned men ever come to practice as pleaders, it is to me doubtful whether much advantage would be derived to the public by their labours. Whatever law knowledge the pleaders might possess, it is not very likely that the Judges should attain a large portion; and, till they do, they will probably look upon the refined and subtle distinctions of Mahomedan law doctors as ill calculated to accelerate the administration of justice.

11. I take the liberty to introduce here a few more observations on the establishment of the Native Commissioners, for the trial of civil suits, under Regulation 40, 1793.

12. When a Native Commissioner is tolerably qualified and incorrupt, no great knowledge of the Regulations is requisite; he decides with the greatest ease a vast number of causes. He is perfectly acquainted with the language, the manners, and even the persons and characters of almost all who come before him. Hence perjury is very uncommon in his court. To us his proceedings may appear frequently tedious or frivolous, and generally irregular and informal; but we are very apt to judge from a false standard. I am fully convinced, that a native of common capacity will, after a little experience, examine witnesses and investigate the most intricate case with more temper and perseverance, with more ability and effect, than almost any European. The Native Commissioners decide only petty cases, and their emoluments are but scanty. They occasionally find difficulty in maintaining their authority; but they should always be supported against the contumacious. Their procedure, as far as I have had occasion to observe, is, with few exceptions, just what it ought to be. They hear and write down almost whatever the parties may choose to say; and it is not a small advantage, that they are able to sit the whole of the day without being incommoded by heat or crowds, that they listen to and understand every one; and that they are seldom provoked either by their omlak or by the parties to lose their temper. They sit from morning till night on a mat under a shed or hut, or in the porch of a house, and attend to every petty dispute of the ryots, with a degree of patience of which we have no idea, till they develope the merits and decide the suit. I cannot help wishing, that their situations were more respectable in a pecuniary view, and that they were employed to decide causes to almost any amount. At present, in this zillah, few of the Native Commissioners can earn more than a bare subsistence; and therefore it cannot be expected that the best qualified and most respectable men should undertake the office.

13. When a suit is filed in a Munsifo Serishta, it is taken up immediately; there is no time or opportunity for the fabrication of a defence or subornation of perjury. The Munsif is, as it were, in the society of the parties, and they cannot easily deceive him. But if that cause comes before the zilla Judge, besides the inevitable delay and expense at the outset, the case is probably entirely changed; intrigues and counter complaints occur, the most impudent falsehoods are advanced with impunity; and in the end, perhaps, an erroneous decision is passed.

14. Should it here occur, that very few, if any, natives are qualified from habit and education to pronounce a decision, or to comprehend a complicated judicial case; that the range of their ideas is too narrow, that their minds are cramped, and that they possess not that vigour and perseverance and those enlarged views which would enable them to perform the duty of judges; if there is any one of this opinion, I would take the liberty to ask, how it is possible the natives in general should, in the miserably subordinate and servile employments to which they are confined, have qualified themselves better? I would observe, how very easily they all acquire the requisite qualifications for the duties which we are pleased to entrust to them; I would ask, who can doubt that they would very shortly, if not depressed and dispirited, become at least equal to the functions they performed before we came among them?

15. In considering the mental qualifications of such of the natives as are not wholly illiterate; though their education must be admitted to be deplorably imperfect, though they are the victims of gross prejudice, superstition, and ignorance; yet I by no means look upon them as incompetent to perform the duty of Judges.

16. They very frequently pay implicit credit to events in themselves improbable. When they read or hear a story, they seem to believe it as a matter of course; and the more

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extraordinary the facts, perhaps, the less inclination do they feel to doubt or disbelieve them. But this excessive credulity, and this apparent incapacity to judge of truth and falsehood, does not, I think, prevent their distinguishing with considerable sagacity between the probable and improbable in the common affairs of life, where prodigies and miracles have no place.

17. I confess it is my wish, though probably I may be blamed for expressing it, not only to have the authority of the natives, as Judges, extended, but to see them if possible enjoy important and confidential situations in other departments of the state.

18. Though my reply to this Interrogatory, like several of my other replies, has swelled to an immoderate length, I am well aware of its being by no means complete and satisfactory. A thorough discussion of the subject would require more leisure and consideration than I have been able to bestow, and a great deal of Mahomedan law learning, a branch of knowledge in which I can pretend to no proficiency.

Int^{y} XXXIX.—There are no Europeans out of the service constantly residing in this district. A few indigo manufacturers and cloth merchants have or rather had considerable dealings in Midnapore, and occasionally come to look after their concerns. The cloth and indigo trade have very much fallen off within these few years.

The condition of the weavers commercially connected with the Company, or with European traders, is here, as every where, I should imagine greatly ameliorated.

2. The system with regard to them has by degrees almost totally changed. They are now treated with fairness and liberality, and oppression, which prevailed formerly to a great extent, is no more. I know not one instance in which the advantages of the present system are more conspicuous than this, of the stop which has been put to the abuses which used to prevail in the commercial department.

3. It does not appear to me that the officers of Government, or even individual Europeans, have any reason to complain. I have indeed frequently heard complaints, but I always thought them groundless.

4. Europeans have still advantages, and ever must have. When a native fails to perform his engagements, I think it will generally be found to proceed from inability. Individual Europeans have no regular means of compelling him without resorting to a court of justice. But the commercial and salt agents possess some effectual means of coercion; and such powers, being in themselves rather unfair and hardly compatible with that equality which ought to subsist in commercial concerns, must necessarily sometimes produce discontent.

5. No European can be sued by a native for a greater sum than 500 R^{s} in the Dewanny Adawlut; whereas a native is liable to be sued to any amount by the European.

6. I know not any good reason for this; and there ought, I conceive, to be a very good reason to justify such an inequality. No instance, however, of inconvenience or hardship resulting from this inequitable law, has fallen within my knowledge in this district.

I here close my replies. Some of the interrogatories appear to involve discussions of a general and political nature, not immediately connected with my duty as Judge and Magistrate of this district. On all such I could for several reasons have wished to be silent. Finding myself called upon, however, on this occasion, to deliver opinions and to furnish such information as I might possess on a variety of subjects, which it cannot be supposed I should be master of, I have attempted it accordingly, and have in some instances been induced to enter upon certain topics more amply than is perhaps expected.

I beg leave to offer an apology for trespassing on the patience of Government with discussions so much more prolix than the subjects may be thought to demand.

Having been led to advance certain opinions on the state of the country, and the condition of the natives, which opinions I became fearful might appear extravagant and sometimes unintelligible, I have endeavoured to explain and illustrate them, without very strictly applying my answers to the terms of the Interrogatories.

If in my eyes these matters have chanced to bear a different aspect from those of many other people, it should not excite surprise. Infinite diversity of opinions on these subjects is to be expected; because we are all liable to false impressions; because the circumstances to be taken into consideration are too numerous and complicated for any one mind to perceive or comprehend them all; because we necessarily infer, and in fact guess, a hundred things for one thing which we see or come to the actual knowledge of.

A conviction of the uncertainty to which discussions of this nature are for ever liable, while it serves as a caution against too readily lending an ear to plausible speculations, may teach us to consider with attention and willingness every new attempt at investigation; to listen without scorn and prejudice to what at first may strike us as singular or improbable, and never to reject opinions solely on account of their novelty.

I have not been deterred by the apprehension of falling into error, which I know to be inevitable, nor of having my principles and intentions mistaken, from delivering with freedom such opinions as my understanding teaches me to be just, after the best attention I am able to bestow; and this even on political subjects, which are to me purely speculative. In so doing, I trust I have not deviated from the wishes of Government.

I have now only to express my hope that nothing I have said will give offence, and that as my sentiments are offered with diffidence, they will obtain a candid and indulgent reception.

H. Strachey, Judge & Mag^{te}.

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Zillah Beerbhoom, 25 March 1802.

To G. DOWDESWEL, Esq.
Secretary to Government in the Judicial and Revenue Departments.

SIR,

I WAS favoured with the receipt of your Letter of the 29th October, and have now the honour to transmit to you herewith my Reply to the several Interrogatories which accompanied it, to be laid before the Honourable the Vice President in Council.

I am, Sir,
Your most obedient humble servant,
D. Campbell, Judge & Magt^e.

Zillah Beerbhoom,
the 25th March 1802,

REPLY to the several points noticed in the Interrogatories which accompanied the Letter from the Secretary to the Government in the Judicial Department, under date the 29th October 1801, by the Judge and Magistrate of Zillah Beerbhoom.

1.—WHAT is the number of causes now depending before me, before my Register, and before the Native Commissioners?

The number of causes depending before me on the 1st of January 1802, amounted to 42; before the Register to 367; and before the Native Commissioners to 300.

2.—What proportion doth the number of causes now depending before the three Tribunals of the Judge, the Register, and the Native Commissioners, bear to the usual number of causes usually depending during the several years, commencing from the year 1793, to the present period?

The number of causes now depending before the three Tribunals is much on a par with the number generally depending since the promulgation of 1795, prescribing the payment of fees on the institution and trial of suits. Previous to that period the number of causes depending before the Court more than doubled the number since depending at any one time.

3.—What number of causes was decided in the past year by the Judge, by the Register, and by the Native Commissioners?

The number of causes decided by the Judge in the past year, amount to 168, by the Register to 751, and by the Native Commissioners to 1,139.

4.—What number of causes do I suppose must necessarily be depending before my Court, and that of my Register, and before the Native Commissioners? and what is the reason that the number of causes depending before those Tribunals respectively, is not reduced as low as I think it might be reduced?

I am of opinion that the number of causes depending before the Tribunals of the Judge and Commissioners, can seldom be less than the number specified to have been depending on the 1st January 1802; and that the number can scarcely be reduced to a lower proportion. The number of causes depending before the Tribunal of the Register on the above date, is considerably greater than he generally has upon his file, the usual number being from 60 to 100 causes, including appeals from the Commissioners decision.

5.—Am I prepared to suggest the establishment of any rules, which (consistently with the due administration of the laws) would expedite the decision of suits? Am I of opinion that this object would be in any degree promoted by leaving it optional in the different Tribunals to commit the depositions of witnesses in causes not appealable to a higher Tribunal, to writing or not, as the Judges might think proper?

I am of opinion that the noting down of all questions put to witnesses contribute greatly in retarding the decision of suits; and that the purposes of justice might be equally well answered by leaving out the questions entirely, and merely committing the answers of the witnesses to writing. I likewise think that decisions would be greatly expedited by leaving it optional in the Tribunals to commit the depositions of witnesses to writing, in causes not appealable, and that no inconvenience could arise from the adoption of such a measure, provided the substance of such depositions were included in the body of the proceedings held.

6.—Am I of opinion that it would be advisable to extend the jurisdiction of the Native Commissioners to suits for sums exceeding 50 rupees, to sums exceeding 200 rupees? What is the amount to which I would recommend the jurisdiction of the Courts of the Commissioners and of the Registers to be extended? and to what degree would the general administration of justice, in the district subject to my jurisdiction, be expedited by the adoption of this arrangement?

The number of suits depending at any time before the different Tribunals in this district, do not appear to me more than can be decided within a reasonable course of time by the Judge, Register, and Commissioners. I see no necessity, therefore, of extending the jurisdiction of the Register and Commissioners beyond their present amount in this district, not being so general here as in many other districts.

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7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do I consider these several charges attending the institution of law suits too considerable, or otherwise?

Litigation has undoubtedly been checked in a considerable degree by the establishment of the fees here noticed, and of the stamp duties; the fees paid on exhibits in general fall extremely heavy on the lower description of people, as they are often found greatly to exceed the value of the matter in dispute. If, therefore, a reduction were made in the amount paid on exhibits filed in civil suits under 50 rupees in value; and if the sum paid on the summoning of witnesses in such suits were likewise reduced, the measure would tend in some respect to relieve the description of inhabitants I have mentioned, from a tax which they often find exceedingly oppressive. I have reason to believe that many men are deterred from applying for the recovery of a just right, from a dread of the expenses attending a suit in which they might be unsuccessful.

8.—Do the fees paid to the licensed vakeels on suits instituted or defended by them, constitute a sufficient inducement to men of character and of proper qualifications to undertake these situations? Are the persons attached to any Court persons of the above-mentioned description? and are they in general well acquainted with the printed regulations?

The fees paid to the licensed vakeels appear to me very liberal, and to be a very sufficient inducement to men of proper character and qualification to undertake these situations: The vakeels attached to this Court are, as far as I have been able to discover, men of respectability; and they appear in general as well acquainted with the printed regulations of Government as people of the same description in other districts, of whose qualifications I have had the same opportunities of judging.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

The establishment of licensed vakeels has certainly contributed very considerably to expedite the decision of suits. Formerly vakeels were entertained at a fixed monthly salary whilst the causes they were to plead were pending, consequently, it was their interest to protract, by every effort in their power, the decision of suits, inasmuch as it becomes now their interest to expedite them.

10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity?

As far as my experience has given me an opportunity of judging, I think the vakeels in general discharge their duty to their clients with honour and fidelity, and that every confidence is placed in their exertions by people who employ them.

11.—Are the principal inhabitants of my jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

The principal inhabitants of this district appear to be as well informed, with regard to the laws of the country, as individuals of the same description, and at an equal distance from the seat of Government, are supposed to be.

12.—Am I prepared to state any alteration in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

I am not aware of any alteration in the trial of civil suits, that would contribute to expedite decisions without endangering the due administration of the laws, except that noticed with regard to depositions in my answer to the Fifth Interrogatory.

13.—Have I in my Court-room, any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend my Court, and what forms or ceremonies do I observe in opening my Court or sitting in it?

In my Court-room, places are allotted for all the purposes mentioned in this Interrogatory. I have no particular form or ceremony in opening my Court, except that of ordering the Nazir to proclaim the commencement of business, and impose silence throughout the Court.

14.—Are there any private schools or seminaries in the district under my jurisdiction, in which the Mahomedan or Hindoo law is taught, and how are those jurisdictions maintained?

There are no private schools or seminaries under this jurisdiction, for the express purpose of teaching the Mahomedan or Hindoo law, although there are some schools where youth is taught to read and write the Bengalese, Persian and Arabic languages. The Mahomedans, no doubt, acquire in these schools some knowledge of their laws, as the Alkoran, the book generally perused, is the basis of their religious and civil institutions. These schools are maintained by the private contributions made by the parents or relations of the young students.

15.—What is my opinion regarding the general moral character of the inhabitants of my district? Has their moral character been improved or otherwise, by the system established

established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

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Answers by the JUDGES.

Calcutta Division.

Zillah Beerbhoom, 25 March 1802.

I entertain a very low opinion of the general moral character of the inhabitants of this district, and am of opinion, that the mild system established by the British Government, does not make an impression sufficiently forcible on depraved minds, which, like theirs, are principally restrained by fear, entertaining, at the same time, an inferior degree of dread, with regard to some of the punishments inflicted at present on malpractices.

16.—Am I of opinion that the inhabitants of the district under my jurisdiction consider their private rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

It appears to me, that the inhabitants in general of this district consider their private rights and property to be fully secured by the present constitution against infringement, either by the executive officers of Government, or even by the supreme executive authority itself; but they, of course, do not consider their property secured sufficiently against the open violence and depredations of gangs of decoits that frequently enter the district, nor against the clandestine connivance of zemindars or other powerful men, who, I am sorry to observe, have sometimes a collusive participation in the plunder of those decoits, and consequently encourage their depredations. I had occasion to address Government in the month of May last, in regard to a very considerable body of plunderers, with whom the late Rajah of Beerbhoom was proved to have had frequent communication, through three of his own brothers, two of whom were apprehended and stood their trial on this account before the Court of Circuit at their last sessions at this station. No punishment can, in my opinion, be too severe for such conduct; and I should hope, that a few proper examples of severity would deter men of power from persevering in such wicked practices.

17.—Am I of opinion that the district under my jurisdiction is in a state of improvement, or otherwise, with respect to its population, cultivation and commerce, and its buildings, or other works, for religious, domestic, and other purposes; and on what grounds do I form my opinion?

I am of opinion, that the conviction of their landed property being perfectly secure, has a favourable operation on the minds of the inhabitants in general, and that it induces them to use every possible means towards the improvement of their cultivation; admitting this to be the case, it establishes a natural cause for augmented population in the district. The want of navigable rivers in this district is a very considerable obstacle to the extension of its commerce. The decay of the old and once opulent family of the Mahomedan Rajahs of Beerbhoom, now reduced to poverty by their own folly and extravagance, has been the means of discouraging merchants from resorting to this district, who formerly found a ready sale for many valuable articles. To the decay of that splendor may in some degree be attributed the ruinous state of buildings and works for religious and other purposes. The houses of the inhabitants in general, however, appear to be comfortable, the district affording abundance of the rude materials with which they are constructed.

18.—Am I of opinion that the inhabitants of the district subject to my jurisdiction, are in general satisfied with the British Government?

I am of opinion that the inhabitants of this district are in general perfectly satisfied with the British Government, from its affording a greater protection to private right and property than was experienced under their former government.

19.—Is the present system of police well calculated to insure the apprehension of offenders?

I shall take the liberty of observing, in reply to this question, that the present system of police would be more effective towards the apprehension of offenders, if the magistrate were vested with the power of removing the police darogahs from their offices, on finding them guilty of neglect, or disobedience of orders issued to them for the discharge of their duty, or of misconduct in other respects; as the independency of their present situations must render them less alert than I think they would be under the sole and immediate controul of the magistrate. The salary of the darogahs should be increased, and the reward of 10 rupees, which they are now entitled to on the conviction of decoits, struck off. I think the prospect of the reward of 10 rupees may sometimes tempt illdisposed men to criminate innocent people. It would therefore, I think, be better to reward merit in the police officers, or other people active in apprehending decoits, when proved to the satisfaction of the magistrates or Courts of Circuit, allowing the sum to be proportioned according to the nature of the service performed. All such proposed rewards to be submitted for the approbation of Government. By this means, much money would be saved to Government, and merit in every case justly rewarded.

20.—Are the police establishments, in the district subject to my jurisdiction, adequate to the duties required of them?

In my opinion the police establishments are not, in some of the tannahs, adequate to the duties required of them; I think they should be increased to prevent their being so frequently overawed by the large bodies of decoits who infest that part of the district bordering on the wills and jungles.

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21.—Am I of opinion that the number of crimes committed annually, in the district under my jurisdiction, has increased or diminished since the year 1793; and to what cause do I ascribe the increase or diminution?

The number of crimes have, in my opinion, diminished, and I ascribe the diminution to the establishment of the present system of police, and to some of the punishments inflicted on criminals, especially transportation, which the inhabitants appear to hold in a considerable degree of dread.

22.—What crimes of enormity are most prevalent in the district under my authority, and what is the cause of the prevalence of such crimes, and what means would I recommend for their suppression?

Murders, decoiting, thefts, and highway robberies, are the prevalent crimes of enormity; I ascribe their prevalence to the mildness of the sentences frequently passed upon criminals, and to the security which decoits find in the thick and very extensive jungles of this district from all pursuit.

23.—Do the inhabitants of the district subject to my authority keep arms in their houses? What description of arms do they retain, and for what purposes?

The inhabitants of this district do not, in general, keep arms in their houses, although some of them have tulwars and matchlocks for their own immediate defence, and others for the purpose of arming with when hired as burkandauzes to protect private property of native merchants. The use of offensive weapons is most common in the chuckla of Pachite, and the talook of Paunraw. The weapons with which the decoits generally arm themselves, are tulwars, matchlocks, bows and arrows, spears and battle-axes.

24.—Are there any brick or mud forts in the district? In what state are they, and what is the nature of their construction?

There are no brick or mud forts now in this district, though the ruins of places of defence of the latter description are visible in many parts of the country.

25.—What proportion do the Hindoo bear to the Mahomedan inhabitants in the district subject to my authority, and what do I suppose to be the number of inhabitants in the district, of all descriptions?

I imagine that the proportion is about twenty to one in favour of Hindoos in this district, and that the number of inhabitants, of all descriptions, may be computed at six hundred thousands.

26.—What are the names of the persons possessing the highest rank and the greatest opulence in the district subject to my jurisdiction? What number of followers, armed or otherwise, are they supposed to maintain in this service, and do they appear about with such people armed?

Except the families of the Rajahs of Beerbhoom and Pacheat, there are no persons within this jurisdiction entitled to high rank. The family of the Beerbhoom Rajah is in a state of great poverty, and that of the Rajah of Pacheat was equally so, until Government ordered the zemindarry of Pacheat (which he appeared to have been deprived of by unfair means) to be restored to him. The family of the Rajah of Beerbhoom entertain no armed establishment. The Rajah of Pacheat supports a considerable establishment, in consequence of the management of the police having been vested in him by the orders of Government, and to defray the expenses of which he has an allowance paid to him of S.R^{s} 200 per month. None of the other zemindars maintain armed establishments, or appear abroad with armed followers, sufficient at least to create any sort of alarm, or give offence.

27.—Are there any persons in the district supposed to be disaffected to the British Government?

I do not believe there is any person residing within this district disaffected to the British Government in any respect.

28.—Do I suppose that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself the sole source of honour within its territories, and to confer titles, and other marks of distinction, on its native subjects?

My opinion is clearly in the affirmative of this Interrogatory. I think the measure would tend to excite a very laudable degree of emulation in the minds of the principal men in the district, productive in time of much benefit to the community at large.

29.—What is the state of the roads, bridges, and other public works, in this district, and at whose expense are they kept in repair?

The convicts have made an excellent road of 25 feet wide from this station to Soorool, a distance of 22 miles, and have begun another road towards Moonhedabad, in which they have made some progress, and which, when finished, as far as the district extends in that direction, will be found of very considerable advantage to the inhabitants, merchandize being transported by land during the greatest part of the season, on account of there being no navigable rivers. The only bridges in this district are constructed of palmira trees; they are found to last tolerably well, and cost but a mere trifle to Government, as they are cut down and brought to the roads by the convicts. The only expense attending the roads lately begun by the convicts in this district, is in the necessary implements for working, and the pay of ten burkandauzes occasionally hired to assist in guarding the convicts when they work at any distance from the station.

30.—How

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30.—How are the convicts usually employed?

The convicts are generally employed in repairing the roads, deepening tanks in the neighbourhood of this station, for the benefit of the people residing in and near the town of Soory; likewise in repairing the walls of the jail, which, being constructed of mud, suffer much injury every year by the rain beating against them. I am not at present aware of any plan of employing the convicts to greater advantage than in the manner above mentioned.

31.—What is the state of the jail in this zillah?

I have every reason to believe that the jail of this zillah, constructed of mud walls and with grass roofs, is by far the worst and least secure of any within the province of Bengal. Government have more than once expressed an intention of erecting a brick jail at this station. The annual expense of repairing the present jail has amounted, on an average, for some years back, to near six hundred rupees. I at one time suggested the expediency of putting brick roofs on the seven apartments of the jail, which met with the approbation of Government, the expense having been estimated at 2,200 rupees; but as the mason who made the estimate, and who offered to undertake the work on contract, made several objections afterwards, and wished me to enter into stipulations which I could not possibly agree to without incurring an almost certain expenditure of double the sum first estimated, I was under the necessity of giving up the work; and I had the less reluctance in doing so, as I hoped Government would again take into consideration the original plan of erecting a proper brick jail, as has been done at almost every other station. The jail being close to the town of Soory, is constantly liable to conflagration, especially in the months of March, April, and May, when the winds blow with great violence here. Some years since, when a fire broke out in the town of Soory, the people of the jail had full two hours to prepare against the apprehended mischief, yet, in spite of every effort used, the fire, owing to the force of the wind, speedily communicated to the jail, and entirely destroyed it in the course of a very few minutes. The repairs of the jail, on this occasion, cost Government the sum of eighteen hundred rupees. Had the fire happened at night, I question whether one half of the prisoners might not have effected their escape. The Judges of circuit here, I believe lately represented to Government the very bad state of the jail of this station.

32.—What is my opinion of the expediency of granting to the zemindars, farmers, and other persons of character, in the district, commissions empowering them to act as justices of the peace?

In my opinion it would not be safe to entrust the zemindars or other description of landholders with the powers of justice of the peace, especially at the police; darogahs in general are found to perform that part of their duty with activity, which directs them to seize all persons found guilty of crimes and misdemeanors; neither do I conceive, that investing the zemindars with the power in question, would contribute in any degree to the suppression of crimes, or that it would facilitate the apprehension of offenders. The power, if granted, would I think, be liable to continual and dangerous abuse.

33.—Are there any new rules or regulations which I would recommend to be adopted for the suppression of crimes in general?

The most effectual mode of suppressing crimes, is by increasing the severity of punishments; I think the sentence of transportation should be enforced in more cases than at present.

34.—What has been the operation of the last regulation, respecting the tax on spirituous liquors?

If I may be allowed to form an opinion on this subject, from the abcarry collections having considerably decreased since the regulation alluded to took effect, I conceive that the operation has been favourable, in as far as it has rendered the sale of spirituous liquors less common, and the vice of drunkenness consequently less frequent. A vast number of people have of late been taken up for selling liquors without licences in this district, and punished in the mode prescribed by the regulations. These examples of severity will, I trust, have the effect of deterring such irregular practices, and render the procuring of spirituous liquors less easy; for I imagine, the unlicensed dealers dispose of their liquors at a much cheaper rate than the licensed dealers can afford to do.

35.—Do any measures occur to me, the adoption of which would, in my opinion, contribute progressively to the improvement of the moral character of the inhabitants of the district?

I conceive the measures suggested in my reply to the 19th Interrogatory, would, if adopted, tend greatly to prevent thieving, robbery, or connivance at these crimes, and would act as a check against those murders which but too frequently attend robberies. If that effect is produced, the measure will of course progressively tend to the improvement of the moral character of the inhabitants.

36.—In my opinion, what has been the effect of the regulation which declares persons convicted of perjury liable to be marked in the forehead?

I am afraid that the effect has been not so good as might have been expected, the crime of perjury being still prevalent both in civil and criminal cases, though perhaps not in so great a degree as it was previous to the regulation alluded to.

37.—What has been the operation of the punishment of transportation introduced by the British Government?

I feel confident that this punishment, more than any other, deters the commission

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of heinous offences; and I have reason to know that the natives themselves consider it by far the severest punishment that can be inflicted upon crimes.

38.—Am I of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or with too much severity; and what do I suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in my opinion, administered?

I am of opinion that it is in general administered with too much lenity; and I conceive that an increase of crimes, and reversion to an old course of malpractices, are the consequences produced by the operation of the mild spirit in which the criminal law appears to me to be administered.

39.—What is the nature of the general conduct of the Europeans, not in the service of the Company, within this jurisdiction?

There is at present but one European of this description in the district, and his conduct, to the best of my knowledge, has been in every respect uniformly correct and proper ever since he settled in this part of the country, now upwards of ten years.

40.—What is the general condition of the weavers and other manufacturers in this district; are the existing regulations well calculated for insuring to them justice in their dealings with the officers of the Company, and with private European merchants; and also for enabling the officers of the Company and the individual European merchant, to obtain from the weavers and manufacturers the punctual performance of their engagements to the provision of goods?

The weavers, as far as I have been able to learn, are in general very poor and much in debt, and, in consequence of the latter circumstance, often induced to accede to settlements of accounts with private merchants extremely detrimental to them. It would also seem that there is not that regular mode observed in the transaction of private merchant's business, as is adopted in the Company's investment. The existing regulations appear to be well calculated to insure to the weavers justice in their dealings with the officers of the Company, and also for enabling the officers of the Company to obtain the punctual performance of engagements for the provision of goods. The regulations insure an equal share of justice in transactions between private merchants, and weavers and manufacturers; but their engagements are seldom committed to writing, which generally occasions much trouble and difficulty in the settlement of accounts. If they could be brought to enter into regular engagements, many serious inconveniences would be obviated, and justice insured to both parties.

D. Campbell,
Judge and Mag^te^.

Zillah Beerbhoom,
the 25th March 1802.

To GEORGE DOWDESWELL, Esq.
Secretary to Government in the Revenue and Judicial Department, Fort William.

Sir,

I HAVE the honour to transmit my Answers to the several Interrogatories of Government; and I trust the ill health I have experienced, for some months past, will plead in excuse for the delay which has ensued.

I have the honour to be, Sir,
Your most obedient servant,
T. Brooke.

Zillah Ad^l^ Hooghly,
the 3d May 1802.

Interrogatories.—1.—What is the number of causes now depending before you, before your Register, and before the native Commissioners?

Answers.—The number of undecided causes before the Judge, on the 31st December 1801, amounted to 416; before the Register to 1,824; and before the native Commissioners to 7,991.

2.—What proportion does the number of causes now depending before the three tribunals of the Judge, the Register, and the native Commissioners, bear to the number of causes usually depending, during the several years commencing from the year 1793 to the present period.

The Zillah Court of Hooghly not having been established till the year 1795, and the Zillah of the 24 Pergunnahs (with its arrear of causes) having been annexed to its jurisdiction in 1800, it is impossible to draw out a satisfactory statement of the proportion which the causes now depending bear to the causes which were depending during the several years commencing from 1793. From the annual abstract reports, it appears the balance of causes depending before the Judge's Court, in December 1801, (including the causes from the 24 pergunnahs) is less than the causes which were depending in the Hooghly Court, in the years 1795, 1796, 1797, and 1798, but that it exceeds the arrear of 1799 and 1800. Before the Register, the arrear of causes in December 1801 is less

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than in the years 1795, 1796, 1797, and 1800, but exceeds the arrear 1798 and 1799. Before the Native Commissioners the causes depending in December 1801, exceeds the number that were depending in any preceding year.

3.—What number of causes was decided in the past year by you, by your Register, and by your Native Commissioners?

The past year the number of causes decided by the Judge, amounted to 412, by the Register, 2,699, by the Native Commissioners, 51,651.

4.—What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the Native Commissioners, and what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced?

The heavy miscellaneous duties of the court, since the annexation of the zillah 24 pergunnahs, necessarily engages so considerable a portion of the Judge's time, that it is scarcely possible to reduce the number of causes depending before the Judge's tribunal lower than it at present stands; the number of causes depending before the Register, and the Native Commissioners, is also, in the Judge's opinion, fewer than could have been expected, when the very great extent of the district, its population, trade and wealth, are taken into consideration.

5.—Are you prepared to suggest the establishment of any rules, which (consistently with a due administration of the laws) would expedite the decision of suits; are you of opinion that this object would be in any degree promoted by leaving it optional in the different tribunals to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing, or not, as the Judges might think proper?

I confess I am not prepared to submit for consideration any rules to expedite the decision of causes; the suggestion of leaving it optional with the Judges to commit or not to writing the deposition of witnesses, in causes not appealable, would not, in my opinion, promote the object desired, as all actions exceeding in value a personal property of 25 R^{s}. whether coming before the Judge or the Register, is appealable to an higher tribunal. I beg to suggest the advantage that would result in referring all revenue causes, in which neither the collector or the Government may be parties, for the decision of the collector.

6.—Are you of opinion that it would be advisable to extend the jurisdiction of the Native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding S.R. 200. What is the amount to which you would Recommend the jurisdiction of the Courts of the Commissioners and of the registers should be extended, and to what degree would the general administration of justice, in the district subject to your jurisdiction, be expedited by the adoption of this arrangement?

The various opportunities afforded to the Native Commissioners of making exactions beyond the fees to which they are intitled by Regulation 40, 1793, are insurmountable objections to my wishing to see extended their jurisdiction. The observations I have presumed to make on Regulation 40, I beg leave to submit in a separate enclosure for the consideration of Government. To accelerate the administration of justice, and to afford more leisure to the Judge to attend to the miscellaneous and Fhousdarry duties of his zillah, I beg to suggest the appointment of a subordinate court at the zillah station, to be composed of three members, of whom the Moolavee and the Pundit of the court should be two, and the third selected from some respectable native, with an adequate salary annexed to his office. To this court the Judge should be empowered to refer for trial all causes for personal property, or money not exceeding one hundred rupees; this would of course very considerably reduce the present duty of the Register, whose jurisdiction might in consequence be extended to suits as high as 300 rupees, and all appeals from the decrees of Native Commissioners should be made to him, and his decision thereon should be declared final; and all appeals from the decrees of the proposed constituted native court should likewise be made to him, and his decision thereon should be declared final, provided he confirmed the decision made by the subordinate tribunal; but in case he reversed the decision, an appeal to lay to the Judge's Court. In adopting this arrangement, I am of opinion the general administration of justice would be accelerated in a proportion of one-third; that is, causes which cannot at present be decided within the year would be decided within eight months.

7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of law suits to be too considerable, or otherwise?

The establishment of the fees on the institution of suits on exhibits, and the stamp duty, have undoubtedly tended to check litigation, without throwing impediments to the easy resort to the courts for a redress of grievances; but the fees allowed to pleaders are, I think, too high, and in cases of appeal fall peculiarly hard on the parties, more particularly where the party suing or appealing is a pauper, and it is deserving the attention of Government to check the grievances to which the innocent are exposed, in paupers being allowed a too ready access to the courts of justice.

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8.—Do the fees paid to the licensed vakeels on suits instituted or defended by them, constitute a sufficient inducement to men of character, and of proper qualifications, to undertake those situations? Are the vakeels attached to your court persons of the above-mentioned description, and are they in general well acquainted with the printed Regulations?

The fees paid to the licensed pleaders are of sufficient magnitude to induce men of character and properly qualified to accept of the situations; but on the first institution of the courts, men of this class, ignorant of the respectability and advantages of the situation, offered not their services, and now they hold back, not only from the number of pleaders who have engrossed the business, but from their repugnance to associate with the men who, on the first institution, were admitted into the courts. Amongst the vakeels of this court, a few may be considered men of character, fewer qualified for the station, and the whole of them in general very deficient in a proper knowledge of the Regulations.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the court the merits of the suits instituted?

The establishment of licensed pleaders has certainly been attended with advantage.

10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity?

As far as my knowledge and belief goes, I am of opinion the conduct of the vakeels (with a very few exceptions) has been regulated by honest intentions towards their clients.

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

The inhabitants of the 24 pergunnahs, and the inhabitants of the greater part of Hooghly, in consequence of their vicinity to the Presidency, are better acquainted with the laws of the country than the individuals in any other of the districts.

12. Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

I would not recommend any alterations in the forms at present established in the Courts, because they are now generally understood by the natives. In the adoption of some of the suggestions offered in the Answers to the Fifth and Sixth Interrogatories, the decisions of suits would be expedited, without endangering the due administration of the laws.

13.—Have you, in your Court-room, any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court, or sitting in it?

The bench of the Judge is elevated, railed, and overlooks the whole Court-room.

The bench appropriated to the officers is immediately under the bench of the Judge. The vakeels and parties are seated on benches placed on two sides of the same table at which the officers of the Court are seated. Witnesses, and other persons who attend the Court, have not seats, unless there happens to be a vacancy in the bench appropriated for the vakeels. In opening the Court, or whilst sitting in it, there is little ceremony observed, except strictly enforcing silence, that business may not be interrupted. I must do justice to the people in general in saying, that the voluntary respect paid by them to the Court has hitherto rendered it unnecessary for the Judge to prescribe any particular forms.

14.—Are there any private schools or seminaries in the district under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are those institutions maintained?

Within the limits of the jurisdiction of the Magistrate of this district, there are no seminaries of any repute.

At Seetapore, in pergunnah Baleah, thirty students are instructed in the Persian and Arabic by Moolavee Umsauddion; and the institution is maintained from the produce of Aymah lands, held under a grant confirmed by Governor Hastings.

A few students are also instructed in Persian and Arabic by individuals, at their own charge, at Pundua and Baleah.

The principles of Hindoo law are taught by Pundets, in about 150 private seminaries, in which seldom fewer than five, or a greater number than twenty students are admitted. The students are maintained by the preceptors, who have the means to afford it; the others are supported by contributions from the more wealthy inhabitants. Almost every village has likewise its schoolmaster, by whom reading, writing, and accounts are taught.

15.—What is your opinion regarding the general moral character of the inhabitants of your district? Has the moral character of the inhabitants in general been improved, or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

The system established by the British Government, by introducing a strict and impartial administration of the laws, has, in my opinion, tended to improve the moral character of the inhabitants. The justice, good faith, and integrity of the Government of the country, and of its executive officers, has diffused its influence over the great body of the people: the active virtues are not lessened, and vicious propensities are diminishing.

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16.—Are you of opinion that the inhabitants in general of the district under your jurisdiction, consider their private rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

There is not a doubt that the inhabitants consider their private rights and property secure from every infringement. Under the slightest grievance, they hesitate not in preferring the petitions against the officers of Government, or against the supreme executive authority itself; and in the ample redress they have ever met with, their confidence in our impartial administration of the laws daily increases.

17.—Are you of opinion that the district under your jurisdiction, is in a state of improvement, or otherwise, with respect to its population, cultivation, and commerce, and its buildings or other works, for religious, domestic or other purposes; and on what grounds do you form your opinion?

Although commerce has experienced a temporary check, the increase of the cultivation and population of the district is so self-evident, that it needs not a detail of proof. Religious buildings and other public works are not erected so frequently as in former times; for the wealth which used to be amassed only by the few, is now widely diffused; and the great body of the people enjoy comforts to which they were formerly strangers; and buildings for domestic purposes, erected of substantial materials, appear now in every town, and almost in every village. Some religious buildings, however, have of late been erected on the banks of the Ganges, with costly magnificence.

18.—Are you of opinion that the inhabitants of the district subject to your jurisdiction, are in general satisfied with the British Government?

It is my most firm belief, that the inhabitants are not only satisfied with the British administration, but warmly attached to its government, the Hindoos in particular; for, independent of the protection of their persons, and the security of their property, the exact scale of equality in which they are placed with the Mahomedans in the distribution of justice, is a gratification and an advantage of which they were deprived under the Mogul administration: nor are they insensible to the advantage, or ungrateful to the power which secures them from the incursions of the Mahrattahs, from the depredations of the Sinnasseer, and from that general system of plunder which pervaded every department of their ancient government.

19.—Is the present system of police well calculated to insure the apprehension of offenders?

My observations on the subjects of the Interrogatories 19, 20, 21, and 22, are so fully detailed in my Letter to the Committee of Police, under date the 15th November 1799, that it would be superfluous to repeat them in this place.

20.—Are the police establishments, in the district subject to your jurisdiction, adequate to the duties required of them?

21.—Are you of opinion that the number of crimes committed annually in the district under your jurisdiction, has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

22.—What crimes of enormity are most prevalent in the district under your authority, what is the cause of the prevalence of such crimes, and what are the means you would recommend to be adopted for their suppression?

23.—Do the inhabitants in general of the district subject to your jurisdiction, keep arms in their houses; what descriptions of arms do they retain, and for what purposes are the arms retained?

Very few of the inhabitants retain arms in their houses, scarcely in the proportion of three in the hundred, and these arms consist chiefly of spears and swords.

24.—Are there any brick or mud forts in your district, in what state are the forts, and what is the nature of their construction?

There is at Hooghly an old brick fort nearly in ruins, built by the ancient Government for the residence of the Foujdar. There is also a small mud fort at Chanderkoonah, erected by Rajah Chitter Sing zemindar of Burdwan, to prevent the incursions of the Mahrattahs. In purgunnah Burdah, there is a small mud fort built by Rajah Sobah Sing, and at Jehanabad, Pundua and Bhursoot, there have in former times been small mud forts, now gone entirely to decay.

25.—What proportion do the Hindoo bear to the Mahomedan inhabitants in the district subject to your authority; and what do you suppose to be the number of the inhabitants of your district of all descriptions?

From different sources of information and various calculations that have been made, I think the district of Hooghly contains about a million of inhabitants, and the proportion which the Hindoos bear to the Mahomedans, may, I suppose, be taken at three of the former to one of the latter.

26.—What are the names of the persons possessing the highest rank and the greatest opulence in the district subject to your jurisdiction; what number of followers armed or otherwise are they supposed to maintain in their service, and do they appear abroad with such followers armed?

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In the separation of the Phousdarry jurisdiction from Hooghly, the inhabitants of the greatest wealth and opulence became subject to the magistrates of the 24 pergunnahs: the persons of rank that remain subject to the power of the magistrate of Hooghly, are the Nawab Khan Jehan Khan, who retains 60 servants armed and unarmed; Munnoo Jan Begum likewise retains about 60 or 70 servants; Jaggessur Mustophy, residing at Sookrea, about 20; Davypersaud Sein, at Soomra, 30 or 35; Lolla Gourhurry Sing, at Buswa, 15; Cauzey Lol Mahomed Hooghly, 10; Debnaut Sing Chowdree, at Bhansterra, 10. It is needless to swell the list with the names of many other inhabitants who are supposed to possess wealth, none of them however go abroad with any number of armed followers.

27.—Are there any persons in the district subject to your authority supposed to be disaffected to the British Government, what are their names, and to what means do you resort for superintending their conduct? Have these persons any influence in the district, and to what extent?

There are no persons known to the magistrate, suspected of being disaffected to the Government, and the magistrate has the firmest belief there are no persons of that description in this district.

28.—Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

To all the respectable classes of landholders, to opulent merchants, to the many who acquire or inherit wealth, it would be a gratification to be elevated to a dignity which wealth alone cannot confer, I have no hesitation in giving it as my opinion, that if Government were to declare itself the sole source of honour, and to confer titles and other marks of distinction, it would contribute to strengthen the bond of union between Government and its subjects. The pride and exultation with which the sepoy displays the medal of distinction conferred upon him, and the respect with which those who possess it are treated, may be adduced in proof of the gratification which the inhabitants at large would feel in having titles of honour and marks of distinction conferred on them by the British Government.

29.—What is the state of the roads, bridges and other public works, in the district under your authority, and at whose expense are they kept in repair?

The repairs of the roads in this district are wholly done by the convicts; the high road to Burdwan is in excellent order, but it would be of considerable advantage if three or four small brick bridges were built; the road to Ghyratty Ghaut has been so incroached on by the river, that it will be expedient for Government to depute an engineer officer to mark out a new road, otherwise the land communication between Hooghly and Calcutta is likely to be put a stop to; brick drains instead of the wood ones, now on the different roads around Hooghly, would be a measure of great utility.

30.—How are the convicts in the district usually employed, and is there any manner of employing them which appears to you preferable to the manner in which they are present employed?

The convicts work on the roads, nor am I aware of a preferable or a more useful manner of employing them.

31.—What is the state of the jail in your zillah?

The jails for criminals as well as for debtors, are buildings well suited for the purpose, they are open, airy and very healthy, but the former is not quite so secure as could be wished; the jail for debtors is a new building very capacious and very commodious.

32.—What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character in your zillah, commissions empowering them to act as Justices of the Peace? Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of offenders. By what rules would you regulate the extent of the jurisdiction of such persons; would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

The measure of granting commissions, empowering zemindars, farmers and others, to act as Justices of the Peace, does not strike me as one likely to have the tendency of suppressing crimes, or which would facilitate the apprehension of offenders, and is a measure I should be sorry to see carried into execution.

33.—Are there any new rules or regulations which you would recommend to be adopted, as being calculated in your opinion for the suppression of crimes in general.

My Letter to the Committee of Police, of the 15th November 1799, comprises my opinions on the rules it would be expedient to adopt for the suppression of crimes, and the more speedy apprehension of offenders; to those suggestions I have only to add, the expediency of extending the power of the magistrates, by authorizing them to punish offenders as far as a year's imprisonment, and of condemning the prisoners to work on the road for the time they may be sentenced to imprisonment; I beg also to suggest the appointment of an European serjeant with a proper establishment, whose duty it should principally

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principally be to act as a patrole in moving to the different stations of the police darogahs, watching over their conduct, and reporting misbehaviour and neglect.

34.—What has been the operation of the last regulation respecting the tax on spirituous liquors with regard to the vice of drunkenness; are you of opinion that the establishment of the taxes now levied on spirituous liquors have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

The operation of the last regulation regarding spirituous liquors has not tended to check the prevalence of intoxication; to the lower orders liquor is become equivalent to a necessary of life, and where the wages of their labour will not furnish them with a supply, they have recourse to other means to gratify their propensity. It is however to be doubted whether the vice of drunkenness is more prevalent than in former times.

35.—Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the district?

I confess myself totally unable to point out means to effect this very desirable object.

36.—In your opinion, what has been the effect of the regulation which declares persons convicted of the crime of perjury liable to be marked in the forehead?

No instance has occurred in the districts where I have presided, for the punishment of perjury by marking on the forehead; it is therefore to be presumed, the regulation has tended to check the evil it was framed to punish.

37.—What has been the operation of the punishment of transportation, introduced by the British Government?

The sentence of transportation is held in such terror, that it is to be lamented it has not been extended in its operation.

38.—Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is adminstered with too much lenity or with too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

The lenity introduced in the administration of the criminal law of the Mahomedans has, in my opinion, been attended with pernicious consequences; the people think too lightly of the punishment, to be deterred by it from the perpetration of decoity, or any crimes not aggravated by bloodshed.

39.—What is the nature of the general conduct of the Europeans, not in the service of the Company, who reside within your jurisdiction?

With the conduct of Europeans residing in this district, not in the service of the Company, there is no reason whatever to find fault.

40.—What is the nature of the general condition of the weavers, and other manufacturers, in your jurisdiction? Are the existing laws and regulations well calculated for insuring justice to the weavers and manufacturers, in their dealings with the officers of the Company and with private European merchants, and also for enabling the officers of the Company and the individual European merchant, to obtain from the weavers and manufacturers the punctual performance of their engagements, for the provision of goods?

The great stagnation in trade, for these last few years past, has reduced the large body of weavers and manufacturers to some distress. The regulations respecting them are well calculated for their protection, and equally favourable for enabling the Company's officers enforcing the punctual performance of their engagements; but private merchants must have resort to the Courts of Justice for redress, and are not on a footing with the agents of Government.

J. Brooke,
Ju. & Mag.

Zillah Hoogley.

OBSERVATIONS on Regulation XL. 1793. Referred to in the Answer to the 6th Interrogatory from the Zillah Court of Hooghley.

GOVERNMENT, to relieve the Courts from a pressure of business, and with a view to alleviate the distress to which parties for the recovery of small debts would be subjected, in proceeding from remote parts of a district to the Zillah Court for redress, authorized by Regulation 40 of 1793, the appointment of a certain description of natives as Commissioners for the decision of actions for personal property or for money, the value or amount of which should not exceed 50 rupees.

These Commissioners have three distinct capacities; namely, referees, arbitrators, and munsiffs, and which, under circumstances, may be granted separately or collectively in the same commission.

The Description of Persons to be selected for Commissioners, is stated as follows:	OBSERVATIONS.
Referees and arbitrators are to be selected, first, from proprietors of estates; 2d, Farmers, holding farms from Government;	Should the most able and trust-worthy character not fall within the description pointed out, the community must be deprived

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ment; 3d, Tehsildars and sezwauls, collecting from lands held khasser, let in farm; 4thly, Managers of estates; 5thly, Revenue and officers of credit and responsibility; 6thly, Creditable merchants, traders, and shopkeepers, or persons of property and character residing in towns, &c.; 7thly, Altumgahdars and jaghexedars, or persons who may be appointed by them to manage their lands; 8thly, The cauzees of the town where the Zillah Court is established, in virtue of his office; 9thly, Moffussil cauzees.

The extent of the jurisdiction is to be particularized in their sunnuds, and their powers are to continue so long as they retain the station which entitled them to be selected for the office.

Their power, as referees, enables them to try and decide in all cases referred by the Zillah Court; and as arbitrators, they may be chosen by parties to decide on their suits, the parties previously executing bonds of arbitration, agreeing to abide by their decisions, and making them decrees of the Court.

On the appointment of Munsiffs under the Regulation.

The description of persons from whom may be selected Munsiffs, and whose duties are united to those of referees and arbitrators, are; 1st. Proprietors of landed estates. 2d. Farmers of land holding farms immediately of Government. 3d. Tehsildars and sezwauls. 4th. Managers of estates. 5th. Under farmers and officers of credit and responsibility. 6th. Altumgahdars and jaghexedars.

The power of the Munsiffs enables them to receive and decide on petitions (without reference to the Court) which may be preferred to them against under renters and ryots (the actual cultivators of the soil) who have the residence within the limits of their respective jurisdictions.

The Sudder Dewanny Adawlut are likewise invested with the power of nominating the Cauzees at the zillah stations, and the Moffussil Cauzees, and all the Commissioners appointed referees and arbitrators in towns, bazars, hauts, gunges and aurungs, to be also Munsiffs, should they deem it advisable, specifying in their commissions the limits of the advantages that would result from his being employed. With respect to the selection of under farmers of revenues to be Commissioners, it is presumed, that under farmers meant to be defined, are those having leases from the farmers who hold their farms from Government, and not the under farmers having their leases from the farmers who hold their farms from the zemindars, or other proprietors of large estates. The Regulation, in fact, warrants only this construction, as farmers who hold their farms from zemindars are not included amongst the description of persons who may be appointed Commissioners; but if this latter class are the persons intended to be designated by the appellation of under farmers, it remains for explanation. It requires likewise to be explained, whether by the officers of credit and responsibility eligible to be Commissioners, is meant the officers employed by Government, or the servants in the employ of the zemindars.

The capacity of arbitrators, with which the Commissioners are invested, may be considered wholly nugatory, as not ten decisions out of an hundred thousand causes have been settled by arbitration. By the 6th article of section 4, sixth article of section 5, and second article of section 10, it might be inferred, that parties are at liberty to submit their disputes to the arbitration of a Commissioner, without being exposed to the inconvenience of previously filing a petition in the Zillah Court; but, from the 7th article of section 4, Reg. 6, 1797, it is evident this is not the case, and that the cause must be transmitted by the Zillah Court to the Commissioner; for as there is no regulation authorizing the Commissioners to collect and receive the deposit fee, on suits that might be submitted to them as arbitrators, they of course do reject all voluntary references of the parties, as it tends to deprive them of the advantages they are otherwise entitled to receive.

The observations already made on the exclusion of men of character and abilities from being referees and arbitrators, unless they fall within the description of persons pointed out by the Regulation, equally applies to the Munsiffs. Amongst the class of persons deemed eligible, are stated under farmers, and amongst the class of people subjected to their authority, are under renters; but who are the under farmers eligible, or the under renters subjected to their authority, requires definition, particularly as the Persian and Bengal translation is at variance, and in English the meaning of under farmer and under renter are so nearly synonymous as scarcely to admit a distinction.

In the appointment of Munsiffs, it is presumed the principal object Government had in view was relief from the hardships (from loss of time and expense) to which persons having claims for sums under 50 R^{s} stood subjected, in being compelled to proceed with their petitions from remote parts of a district to present them to the Judge of the Zillah Court; this object has however been defeated by the restricted authority of the Munsiffs, for it is stated in the Regulation that he shall

of their jurisdiction, and the description of persons over whom their authority is to extend.

shall only receive and decide on complaints preferred against under renters and ryots, the actual cultivators of the soil, but that merchants, traders and shopkeepers, paying revenue for their tenements, or for the land or garden about their houses, shall not on that account be held subject to his jurisdiction. Hence every class of inhabitants can obtain redress in the Munsiff's Court against the under renters and ryots, whilst, on the other hand, the under renters and ryots are exposed to the inconvenience of recording their petitions in the Zillah Court, unless their claims are against inhabitants of the same class with themselves.

The Sudder Dewanny Adawlut have, it is true, the authority of investing the Cauzees and other Commissioners, in towns, bazars, gunges, hauts and aurungs, with the power of Munsiffs, and to declare the description of persons over whom their authority is to extend. In the exercise of this power much advantage would undoubtedly result, in enabling traders to have recourse to the Munsiff for the recovery of debts amongst themselves; but the benefit would be limited, as it could not operate to relieve the under renters and ryots in the recovery of their claims against merchants, traders and shopkeepers, who reside beyond those boundaries.

It is also with deference I presume to start a doubt, whether the undefined description of persons over whom the Sudder Dewanny Adawlut may extend, the authority of a Munsiff is not to be construed to extend.

ALTERATIONS in the present System suggested.

To derive the greatest advantages from the assistance of persons to whom causes might be referred for investigation, it would be advisable not to confine the selection of referees to any particular class; to dispense with the present oath (an oath known to have so slender an hold on their conscience as only to render perjuries more general) and in lieu of the forms prescribed by the existing Regulation, it is proposed, that the Judges make it their endeavour to obtain a list of the persons of the fairest repute for ability, character, and responsibility, in the towns and villages throughout his jurisdiction, who shall hereafter act as referees.

That the Judge shall transmit petitions, which, from their amount, may by the Regulation be declared referable to any one of those persons whose residence may be nearest to the residence of the parties; or if the plaintiff and defendant reside in different villages, the petition shall be referred to the person who has his residence nearest to the plaintiff, provided it does not exceed the distance of four coss from the defendant's residence. That the reference shall be made by a precept issuing from the Court directed to the person who is to try the action, and by which precept he shall be invested with the same powers as are now granted to the referees; that a period shall be specified in the precept when a return is to be made, and in which return it is to be attested that the cause has been decided without favour, partiality or reward, and to the best of the referee's ability, and accompanied by all the original proceedings; that on its receipt the Judge shall make over the deposit fee paid on filing the cause in the same manner as is done at present. The appeal against these decisions, and the penalties to which the referees are to be subjected for corruption, &c. to remain without alteration.

In substituting this arrangement, the business of the Court would not be increased; as every reference to a Commissioner is at present accompanied by a precept. To the inhabitants of every description, I am warranted in saying the alteration must be grateful, as the benefit resulting would be considerable. The petitioners would obtain immediate redress without being subjected to inconvenience in attendance on the referee; whereas, under the existing system, the petitioner, to avoid being harassed by a vexatious detention, frequently at a distance from his family, is compelled to entrust the prosecution of his claim to some one of the worthless vakeels who abound in the cutcheries, established by the present referees. Nor is this the only evil petitioners have to complain of, for from the suits upon which decrees are given by the referees and munsiffs, not exceeding nine out of an hundred petitions, there is but too much reason to suspect some sort of connivance between the referees and the vakeels, in search of pretexts to multiply nonsuits, from which they mutually derive a benefit. There is likewise no doubt that agents are employed to promote litigious suits, and that numerous exactions are made under one pretence or another,

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another, from parties that come before them; evils which would cease the instant the office of an established referee was abolished; nor is it less certain, that by increasing the number of persons to whom the investigation of causes might be referred, no arrear of undecided causes could accumulate in the Moffussil, as they now do.

In respect to arbitrators, as the plan under the 40th Regulation has, from an experience of years, been found wholly nugatory, its abrogation is proposed, leaving the parties free to nominate arbitration in conformity to the principles laid down in Regulation 16, 1793. It would likewise be an advantage to have it ordered, that whenever parties, without any regular suit being filed, should voluntarily nominate arbitrators to settle their disputes, and should afterwards avoid an acquiescence in the award, that the party having obtained the award, on filing his petition in the Court, should obtain a decree on the merits of the award, without entering again into the merits of the claim on which the award had been founded.

On the Appointment of Munsiffs.

The necessity of an authority to receive and decide on petitions for personal property, or for money to a specific amount, without subjecting the petitioners to the inconvenience of proceeding for redress to a remote distance from their habitations, suggests the expediency of subordinate Courts being established in the Moffussil. To render the benefit general, it is equally necessary that all the inhabitants residing within the limits prescribed for the jurisdiction of these Courts, should be equally subject to its authority.

With respect to the persons it may be proper to invest with authority in these Moffussil Courts, I am of opinion, that to confine the selection would be to exclude men whose merits and abilities are deserving the confidence of Government. The principle therefore, of seeking them amongst particular classes ought to be abandoned; and it is proposed, that wherever the individual is found to combine character, ability and independence, he should be selected for the office of Munsiff.

If persons possessing these qualifications can be found, detached from other occupations, the preference should certainly be given to them, over the persons described in the Regulation; for they would not only be less likely to be interested in the issue of suits, but would have it in their power to devote a greater portion of their time and attention to the fulfilment of the trust with which they had been invested, than the present Munsiffs, who must also attend to their own occupations.

The Judges, in proposing the nomination of Munsiffs to the Sudder Dewanny Adawlut, should invariably report on the character, abilities, qualification, former and actual situation in life of the person proposed; and in order to enable the person to act in the capacity of a Munsiff, he should not only be required to be confirmed by the Sudder Dewanny Adawlut, but receive a sunnud of office, and take the oath prescribed by the Regulation, as at present.

The period for which a Munsiff may hold his office ought not, I think, to depend on adventitious circumstances; nor should it require any specific charge of malversation to remove him, and for which purpose his sunnud of office should be renewable annually.

All the other clauses, regarding processes and appeals, would remain as they now stand.

With respect to the number of Munsiffs it may be expedient to appoint in a zillah, I would recommend that in all the principal towns one Munsiff should be appointed, whose jurisdiction should extend to a distance around of four coss, forming, as nearly as circumstances would admit, a jurisdiction equal to a square of eight coss.

Experience having evinced that the advantages authorzied by Government will yield to the Munsiffs a handsome income, not less, perhaps, on an average than eighty rupees per mensem, it is of course to be expected that men of respectable characters, of the first abilities, and every way qualified, will be solicitous to tender their services; and should the Courts be fortunate in a judicious selection of these officers, there can be no doubt of the advantages that will result to the community from the institution.

Zillah Hooghley. *T. Brooke*, Justice.

To His Excellency the Most Noble Richard Marquis WELLESLEY, K. B.
Governor General, &c. &c. &c.

My Lord,

IN conformity to orders received from the Honourable Vice President in Council, of the 3d ultimo, I have the honour to submit to you, enclosed, a duplicate of my Answersto the Interrogations of Government, upon the internal state of the country.

I have the honour to be, with the utmost respect,
My Lord,
Your Lordship's most obedient humble Servant,

Zillah Nuddea,
Judicial Department,
16th January 1802.

C. Oldfield,
Judge & Magte.

(Duplicate.)

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Zillah Nuddea, 16 January 1802.

To the Honourable G. H. BARLOW,
Vice President in Council, Fort William.

HONOURABLE SIR,

IN compliance with the orders of Government, communicated in Mr. Secretary Dowdeswell's Letter of the 29th October last, I have the honour to submit my Answers to the Interrogatories accompanying the Letter abovementioned.

Queries.—1.—What is the number of causes now depending before you, before your Register, and before the native Commissioners?

Answers.—The number of causes depending in the Dewanny Adawlut, of this district on the 1st January 1801, were as follows:

Before the Judge - - - -	87
Register - - - -	245
Commissioners - - -	6,293
	6,625

and in Appeal as follows:

From decision of the Register - - -	85
Commissioners - - -	163
	248

2.—What proportion does the number of causes now depending before the three tribunals of the Judge, the Register, and the native Commissioners, bear to the number of causes usually depending during the several years, commencing from the year 1793 to the present period?

The proportion that the number of causes depending on the 1st January 1801, bore to the average of former years, commencing with 1795, was as follows:

Before the Judge, in the proportion of - - - -	1 to 3
Register - - - - - - - - - -	1 to 4
Commissioners - - - - - - - -	1½ to 1

and in Appeal, the proportions are as follows:

From the decisions of the Register - - - -	3 to 1
Commissioners - - -	1 to 1½

The average of causes depending at the close of every year, is taken from 1795 instead of 1793, on account of Registers and Commissioners not being appointed before that period.

3.—What number of causes was decided in the past year by you, by your Register, and by your native Commissioners?

The number of causes decided in this district in 1800, was as follows:

	In the first Instance.	In Appeal.	Total.
Decided by the Judge - - -	261	316	577
Register - - - - - -	974	—	974
Commissioners - - - -	27,280	—	27,280
	28,515	316	28,831

4—What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the native Commissioners, and what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced?

The number of causes depending on the 1st January 1802 was, before the Judge, 48, and in Appeal, 221, and before the Register, 217, which is, in my opinion, as low as they can well be reduced, for, excepting two or three causes, in which measurements of land are necessary prior to decision, there are not any causes undecided before the Judge of longer standing than three months, and the causes before the Register also are equally brought up. I have it not in my power to state the number of causes at present depending before the Commissioners, on account of their half-yearly reports to the first instant not being yet received, but judging from the first half-yearly reports of 1801, I have every reason to believe that the number is rather increased, than otherwise, and I am afraid that it never can be reduced considerably until the same fees are levied upon the institution of suits and pleadings, &c. as in the causes cognizable by the Judges and Registers; for by a reference to the enclosed Statement No. 1. which also shews in one point of view the number of causes filed, decided, and remaining upon the file, from 1793 to 1st January 1801, it will clearly appear, that the number has progressively increased every year from the first establishment of Commissioners.

5.—Are you prepared to suggest the establishment of any rules (which consistently with a due administration of the laws) would expedite the decision of suits? Are you of opinion, that this object would be in any degree promoted by leaving it optional in the different tribunals to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing, or not, as the Judges might think proper?

In regard to expediting the decision of suits, I beg leave to propose, that there shall be a

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separate establishment of vakeels for the Judges and Registers Courts; and that the assistant to the Register shall be authorized to act as Examiner, in taking the depositions of the witnesses of the parties, whenever the number may be such as to require his assistance, and that he shall sit for that purpose in a separate court or room of the Court-house, if it will admit of it, on those days the Judge and Register are respectively employed in the Foujdarry or Criminal Court. By the adoption of this rule, much time will undoubtedly be saved, as, owing to the stupidity of the natives in general and their total ignorance of legal form, it is with difficulty they can be brought to give evidence on the point at issue, unless leading questions be put to them, and one half of the Judge's time is in consequence unavoidably diverted from business of greater moment. In respect to causes not appealable to a higher tribunal, I do not see any great advantage to be derived from the depositions of witnesses not being committed to writing, and particularly if the above suggestion be adopted, as in such causes the enquiry is very summary, and does not take up much time; besides, the depositions being taken in writing acts as a check upon witnesses, and makes them attend to the evidence they give, which I am afraid would not be the case, unless such a check did exist.

6.—Are you of opinion, that it would be advisable to extend the jurisdiction of the native Commissioners, to suits for sums exceeding 50 rupees, and that of the Registers, to sums exceeding S.R^{s}. 200? What is the amount to which you would recommend the jurisdiction of the Courts of the Commissioners and of the Registers should be extended, and to what degree would the general administration of justice in the district subject to your jurisdiction, be expedited by the adoption of this arrangement?

In this district, no extension of the jurisdiction of the Register or of the native Commissioners, is in my opinion necessary, and particularly of the native Commissioners; for Enclosure No. 1. clearly shews, that even under the present limitation, as many suits are filed before them, as they can decide upon, and that the number, when compared with the number of suits regularly filed in the Dewanny Adawlut, is in the proportion of about 30 to 1. This is occasioned by the small causes cognizable by the Commissioners being exempted from the stamp duty, institution fee and fees on pleadings, exhibits, &c. which rendering the expense of prosecutions very trifling, acts as a stimulus to litigation, and too often is the cause of vexatious and unjust claims being preferred by those to whom costs of suit is no object. On the contrary, I am of opinion, that the jurisdiction of Commissioners as Munsiffs, should rather be curtailed, and that revenue causes should not be cognizable by them, as causes of that nature are generally, almost without an exception, attended with circumstances, such as the defendants surreptitiously holding lands beyond the quantity specified in their pottahs, disputes repecting rates of assessment, quality of land, &c. which cannot be properly investigated, without a person being deputed to ascertain the facts upon the spot; and this is an authority, I presume, Government never intended to vest in the Commissioners, therefore their decisions must always be defective and liable to appeal, by which much time is lost, and the realization of the revenues is materially affected by it, to the great detriment of Government.

7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of lawsuits, to be too considerable, or otherwise?

Litigation has not in any respect been checked by the fees established by Government, as will clearly appear by a reference to Enclosure No. 1.; nor do I deem them in the least too considerable, when considered as the means of putting a stop to litigation, which I do not believe would be effected, even supposing the charges attending lawsuits were double their present amount.

8.—Do the fees paid to the licensed vakeels, on suits instituted or defended by them, constitute a sufficient inducement to men of character and of proper qualifications to undertake those situations? Are the vakeels attached to your Court, persons of the abovementioned description; and are they in general well acquainted with the printed Regulations?

There are at present 31 vakeels attached to this Court, of whom three never attend, and 13 have scarce any practice as vakeels, but gain a poor livelihood by drawing out petitions; of the remaining 15, also five gain little more than suffices for their maintenance; so that in fact, the whole business of the Court nearly rests with ten vakeels, whose receipts are in consequence great. The latter 10 are likewise as well qualified for their situations as natives can be expected to be, and they are tolerably well acquainted also with the principal parts of the Regulations which more immediately relate to civil causes, though from their being so very voluminous, they certainly cannot be said to be well acquainted with the whole of them.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

Generally speaking, I am of opinion, that the establishment of licensed vakeels has materially contributed to expediting the decision of suits, and also to bringing the merits of the suits more speedily before the Court.

10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity?

I have

No. 1.

Answers by the JUDGES.

Calcutta Division.

Zilla Nuddea, 16 January 1802.

I have every reason to suppose this to be the case, as during three years that I have presided over this Court, not a single charge of this nature has ever been brought before me

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

In my opinion they are.

12.—Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

No other alterations in the forms at present established occur to me, as likely to contribute towards expediting the decision of civil suits, than those suggested in my answer to the Fifth Query.

13.—Have you in your Court-room any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court, and what forms or ceremonies do you observe in opening your Court or sitting in it?

The place in the Court-room allotted for the bench of the Judge, is a wooden platform, raised about three feet, with a railing in front of it, upon which the Mussulmen and Hindoo law officers or Moolovee and Pundit likewise sit to the right and left of the Judge. Under the bench there is a table for the public officers of the Court, at each end of which are places for the plaintiffs and defendants or their vakeels, and in the centre is a place for witnesses to stand in whilst giving their evidence, and the space beyond the table, and within a railing that incloses the center of the Court-room, is appropriated for those vakeels whose causes are most immediately before the Court. The remaining part of the Court-room is occupied by those persons whom curiosity or business may induce to attend. I know of no particular forms or ceremonies observed in opening the Court or sitting in it, further than, upon the Judge taking his seat upon the bench, the public officers and vakeels make their obeisance; after which, on the opening of the Court after a vacation, the head public officer of the Court proclaims the Court to be opened for the transaction of business, and then the Causes in the course of hearing are brought forward in rotation numerically, and the parties are called upon by name by the nazer of the Court. After hearing such Causes as are in readiness, about an hour, before the breaking up of the Court, is appropriated to the hearing of Appeals from the Register and Commissioners, and such motions as the vakeels may have occasion to make on the part of their respective clients.

14.—Are there any private schools or seminaries in the district under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are those institutions maintained?

I know not of any seminaries in this district in which either the Mahomedan or Indian law is particularly taught.

15.—What is your opinion regarding the general moral character of the inhabitants of your district; has the moral character of the inhabitants in general been improved or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

The general moral character of the inhabitants of this district, I am sorry to say, is in my opinion very indifferent, nor do I think that their morals have been in any manner improved by the system established by the British Government, but on the contrary, if any thing they have become worse, as the existing system is much too mild for the management of men, who from childhood have been in the habits of indulging their passions, and when education has in general been totally neglected.

16.—Are you of opinion, that the inhabitants in general of the district under your jurisdiction, consider their private rights and property to be secured, by the present constitution of the country, against infringement, either by the executive officers of Government or even by the supreme executive authority itself, or by individuals.

The natives undoubtedly consider their private rights and property infinitely more sacred now than they ever were under any former Government, and I have reason to suppose that they deem them also fully secured from all infringements whatever.

17.—Are you of opinion, that the district under your jurisdiction is in a state of improvement, or otherwise, with respect to its population, cultivation and commerce, and its buildings or other works, for religious, domestic or other purposes, and on what ground do you form your opinion?

The population and cultivation of this district, I am clearly of opinion is much increased of late years, both from ocular demonstration and the reports of others; as in every part of the district I have been in the traces of waste land brought into cultivation are very apparent, which could not take place without a proportionate increase of population, and in some places large tracts covered with long grass, and which were an harbour for wild beasts, are now in a complete state of cultivation: of the commerce of this district, as being in a state of improvement or otherwise, I do not possess sufficient documents or means to authorize my giving an opinion upon, and I therefore hope I may be excused it. The only religious building of any magnitude I know of, that has been lately erected in this district,

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is one near Nuddea, endowed by the late Gungagovind Sing, nor has any particular improvement in buildings of any kind fallen under my observation.

18.—Are you of opinion, that the inhabitants of the district subject to your jurisdiction, are in general satisfied with the British Government?

I am fully of opinion that they are in general satisfied with the British Government.

19.—Is the present system of Police well calculated to insure the apprehension of offenders?

I do not think it is by any means.

20.—Are the Police Establishments in the district subject to your jurisdiction, adequate to the duties required of them?

They are not.

21.—Are you of opinion, that the number of crimes committed annually in the district under your jurisdiction, has increased or diminished since the year 1793, and to what cause do you ascribe the increase or diminution?

By the enclosed Statement No. 2. it will clearly appear, that the number of crimes committed annually in this district, has progressively increased since 1791, particularly of late years. This I principally attribute to the mildness of the criminal laws as they are at present administered, and particularly to the commutation of the punishment of mutilation, to temporary imprisonment not being sufficiently severe; and also to the proof required by the Mahomedan law to ensure conviction being greater than is always obtainable. The Statement No. 2. commences with 1791 instead of 1793, on account of the circuits being first established in that year.

22.—What crimes of enormity are most prevalent in the district under your authority; what is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

The crimes most prevalent are, dekoyties or gang robberies, and murders, which may be attributed to the following causes:

1st. The great want of co-operation on the part of the gomastahs or heads of villages in bringing notorious offenders to justice. 2dly. The dread of prosecuting, on account of taking an oath, and the probable fatal consequences to the prosecutors and their families (at least on the part of the Hindoos.) 3dly. The dastardly conduct of the natives in general, in not assisting each other, but immediately quitting their houses and concealing themselves in the jungles or elsewhere, the moment a village or an individual's house is attacked. 4thly. The rascality of the class of people employed as chokeydars or watchmen; and 5thly. The impossibility of the present establishment of police officers to protect so large a tract of country as is comprised within their respective jurisdictions. The above are, in my opinion, the principal causes of the existing evils, but to point out the means of totally suppressing them, I am afraid, is beyond my power; however, as I am called upon, I shall proceed with all deference to submit such suggestions as occur to me, for the superior consideration of Government.

In the first place, I propose, in addition to the existing regulations, that landholders shall be required, upon appointing gomastahs, to take security from them to appear and answer in the criminal courts for any omission in reporting persons residing in their respective villages, who are receivers of stolen property, or who have no ostensible means of livelihood, or live beyond such ostensible means, and are hereafter proved to be connected with gangs of robbers.

2dly. That upon such proofs being adduced, they shall be deemed abettors, and punished as such.

3dly. That whenever the house of an individual in a large town is attacked by a few robbers, and upon being called on for assistance, the villagers abscond instead of granting it, or at least taking steps to ascertain and ensure the apprehending of the perpetrators of the robbing, the inhabitants of such village shall either reimburse the party plundered, in the value of the articles stolen, or be subject to a fine to Government. In proof of its being in their power to protect themselves, I need only mention the village of Oolah in this district, where the inhabitants rose, and surrounding a gang of dekoyts that were plundering the house of a Brahmin there, they secured 18 of them. For this, as an honorary mark of distinction, and to create emulation, Government changed the name of the village from Oolah to Beernagur; but I am sorry to add, no instance of a similar exertion on the part of the natives has since occurred, though it has been attended with this good effect, that the above village itself has never been once attacked since.

4thly. The chokeydars or watchmen of villages, as already reported by me, under date 31st July 1799, are in general either dekoyts themselves or in league with them; the consequence of which is, that they scarce ever exert themselves to prevent robberies, or to bring the perpetrators of them to justice, but connive at all their depredations, partly to ensure themselves from detection when engaged in similar practices, and partly from a knowledge that they can do it with impunity, under the plea of the requisite assistance not being given to them by the inhabitants, and from the impossibility of making them answerable for the amount of the property stolen; for although that forms a part of their engagements, it is in fact merely nominal, as their wages are seldom more than four or five rupees per mensem, and they at the same time are of the lowest class of people, without property of any kind; so that whenever they are summoned, or an attempt is made to apprehend them in consequence of information lodged against them, they immediately

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quit that part of the country for a time, and by changing their names, too often render all the endeavours of the magistrates to secure them abortive. I therefore beg leave to propose, that whenever chokeydars are employed by the inhabitants of villages, to oblige them to be attentive to the characters of the persons they so employ; and the security they take for their good conduct, they the villagers, shall, be bound to produce them when called upon.

5thly. That the jurisdictions of the different tannahs or police divisions be rendered more compact, and in no instance more than 10 or 12 miles square, so that the different darogahs may obtain speedy information of all robberies, and may take the necessary steps to apprehend the delinquents, with the stolen property, before they have time to conceal it; which, in case the foregoing propositions be adopted, there can be little doubt of their succeeding in.

23.—Do the inhabitants in general, of the district subject to your jurisdiction, keep arms in their houses? What description of arms do they retain, and for what purposes are the arms retained?

Excepting the chokeydars of villages, or dekoyts, very few of the inhabitants of this district ever keep arms in their houses. The arms usually used by chokeydars, are bows and arrows, spears, and different kinds of swords; and by dekoyts, the same, with the addition sometimes of old musquets, matchlocks, and country made pistols or short matchlocks.

24.—Are there any brick or mud forts in your district? In what state are the forts, and what is the nature of their construction?

There are not either brick or mud forts in this district.

25.—What proportion do the Hindoo bear to the Mahomedan inhabitants in the district subject to your authority; and what do you suppose to be the number of the inhabitants of your district, of all descriptions?

The number of inhabitants of all descriptions in this district I estimate at above 800,000, as before reported by me, under date the 26th July 1800, and the proportion of Hindoos to Mahomedans to be about 5 to 1.

26.—What are the names of the persons possessing the highest and the greatest opulence in the district subject to your jurisdiction; what number of followers, armed or otherwise, are they supposed to maintain in their service, and do they appear abroad with such followers armed?

The persons of highest rank in this district are Rajah Ishorchund, zemindar of Okra, but commonly called zemindar of Nuddea, and his relations; and the only persons of great opulence are two brothers, by name Sumboochund Paul and Kischenchund Paul, who are salt merchants, and latterly have purchased, at the public sales of Government, revenue lands to a large amount. The number of their followers, or servants, may be about 50 each, about half of whom, when their masters go out to pay visits of ceremony, or in religious processions, attend upon them with matchlocks covered with cloth, according to the custom of the country, but never at any other time, nor do I believe that they are on such occasions loaded.

27.—Are there any persons in the district, subject to your authority, supposed to be disaffected to the British Government? What are their names, and to what means do you resort for superintending their conduct? Have these persons any influence in the district, and to what extent?

I never heard of any one in this district being disaffected to the British Government, nor do I believe there are any.

28.—Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles, and other marks of distinction, on its native subjects?

I consider the natives, and particularly the Hindoos, to be as much attached to the existing Government as they are capable of being to any one. At the same time, I am also of opinion, that Government declaring itself to be the sole source of honour, and conferring titles upon the natives, would tend very much towards making them respect it rather more than at present.

29.—What is the state of the roads, bridges, and other public works, in the district under your authority; and at whose expense are they kept in repair?

The only roads, bridges, or other public works, in this district, are, a road 24 feet wide, now making from hence to Calcutta, on which three small bridges have been built, and another road leading to Jessore, of the same breadth. Of the first road, 14 miles were made last year; but during the late rains, owing to the unheard of rise of the rivers, and consequent general inundation, which rose two feet, and in some places three feet above parts of the road (although it was originally raised one foot above the usual level of the water in the rains), I have been under the necessity of repairing a number of breaches, and of raising nearly the whole of the road again; but I am happy to be able to add, that notwithstanding the great pressure of water upon the bridges, they have all stood very well, and the repairs to the roads also are completed to within two miles of the extent of it. Of the road to Jessore, which I commenced upon in November last, four miles are likewise completed. These roads are making at the expense of Government, and with the convicts.

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Answers by the JUDGES.

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30.—How are the convicts in the district usually employed, and is there any manner of employing them which appears to you preferable to the manner in which they are at present employed?

The convicts are at present employed as above specified, in making roads; nor does any better mode of employing them occur to me.

31.—What is the state of the jail in your zillah?

The jail at this station is a brick one, containing 12 cells, and an upper room at each end for hospitals; it is in perfect repair, and there are at present 31 dewanny or civil prisoners confined in it.

32.—What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character, in your zillah, commissions, empowering them to act as justices of the peace? Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons; would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

I am not aware of any good being likely to result from the adoption of this measure, so far as relates to the suppression of crimes, or apprehension of offenders; for, provided the inclination exists, the zemindars and farmers have it as much in their power to assist the police, as they possibly could with commissions of justices of the peace, excepting perhaps in a few instances of robberies, &c. committed immediately in the neighbourhood of their own habitations. Besides, such is the natural indolence of the natives in general, that I much doubt if a sufficient number of zemindars, and men of real good character, could be prevailed upon to act as such; and supposing they did consent, I much fear, that, upon finding they received nothing for their trouble, they would soon relinquish their offices, or (which would be worse) would not exert themselves; but, transferring the detail of business to their dependants, they would continually involve themselves in difficulties, and likewise open a wide field for oppression and extortion of every kind, and particularly farmers; who, from having only a temporary interest in their farms, would be too apt to apply the authority vested in them to their own private advantage, without considering the consequences.

33.—Are there any new rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

The only rules or regulations I would recommend, in addition to those before specified, are, either that the Mahomedan law be enforced, without any mitigation of the sentence, in all cases of gang robbery and strong suspicion of murder, so far as relates to mutilation; or else that the period of imprisonment, in commutation of that punishment, be for the amputation of a limb double what it is at present, with the addition of transportation; for those who are convicted of crimes deserving of such severity, are men of such depraved habits, that no good is to be expected from simple confinement, attended with hard labour; as they almost all, without an exception, upon being released, resort to their former practices for a livelihood; whereas transportation they certainly are in dread of.

34.—What has been the operation of the last regulation respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion, that the establishment of the taxes, now levied on spirituous liquors, have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

I do not believe that the vice of drunkenness has been in any manner checked by the last regulation respecting the tax on spirituous liquors; nor do I suppose even double the present tax would materially lessen it, (of which the great increase gained under this head of revenue, whilst I was collector of Moorshedabad, is a proof,) as spirituous liquors in use with the natives are manufactured so very easily, and at so cheap a rate, that those who are so inclined will always be able to afford to purchase a sufficient quantity for intoxication; and even supposing the tax to be so much raised, as to render it impossible for the lower class of people to purchase it of the licensed venders, they would still find means to evade the regulations of Government, by privately preparing the most pernicious sort (which can be done in any jungle) for their own consumption.

35.—Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the district?

No measures occur to me so likely to improve the moral character of the inhabitants, as the establishment of schools all over the country, for the education of the children of the lower class of Hindoos and Mahomedans, and instructing them in the moral duties they owe to each other; as at present they are in a most deplorable state of ignorance, and very often, I fear, many at first commit crimes from not knowing them to be such, or being aware of the heinousness of them. For Hindoos there are at present a few schools in different parts of the country, for teaching children to read and write, and parts of the Shaster, which are in general supported by grants of rent, free land, or pensions from the zemindars to the brahmins who preside over them; and in general the Hindoos are certainly not so bad in point of morals as the Mahomedans; though I much doubt whether that is not more owing

owing to their being naturally of a milder disposition, than to any advantage they derive from those schools, from their number being so few.

No. 1.

Answers by the JUDGES.

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36.—In your opinion, what has been the effect of the regulation which declares persons convicted of the crime of perjury to be marked in the forehead?

I am of opinion that the crime of perjury, being declared liable to be marked on the forehead, promises to be attended with a very salutary effect; though from no one having hitherto been marked in this district, it is out of my power to speak positively on the subject from experience.

37.—What has been the operation of the punishment of transportation, introduced by the British Government?

I am of opinion that it has been of great service.

38.—Are you of opinion, that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or with too much severity? And what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

My opinion upon this head will clearly appear from the answers preceding, to which I beg permission to add, that to the lenity with which the Mahomedan law is administered, do I principally ascribe the great increase of crimes of late years.

39.—What is the nature of the general conduct of the Europeans, not in the service of the Company, who preside within your jurisdiction?

It is peaceable, and generally correct.

40.—What is the general condition of the weavers and other manufacturers in your jurisdiction? Are the existing laws and regulations well calculated for insuring justice to the weavers and manufacturers in their dealings with the officers of the Company and with private European merchants; and also for enabling the officers of the Company and the individual European merchants to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods?

At present, from the stagnation of trade, from nearly a total stop being put to the provision of the Company's usual investments, the condition of the weavers is rather distressful. The existing regulations appear to me to be perfectly qualified to answer the general purposes intended, so far as relates to the Government and the weavers; though I am doubtful whether they are quite so much so in regard to European merchants; who, I much fear, often meet with difficulties in enforcing a punctual attention from the weavers to their engagements; but on this subject, of course Government will be able to obtain much superior information from their commercial residents, than any I can give.

I have the honour to be,

Honourable Sir,

Your most obedient humble servant,

C. Oldfield,

Judge & Mag^te^.

Zillah Nuddea,
Judicial Department,
16th January 1802.

STATEMENT

STATEMENT, shewing the Commitments, Convictions, Acquittals for

YEARS.	NUMBER OF COMMITMENTS, AND FOR WHAT CRIMES.																							
	Dekoyty, or Gang Robberies, attended with Murder.		Dekoyties.		Murders.		Rape.		Theft and Burglary.		Wounding, and Assault and Battery		Notoriety.		Breach of Regn., Girdwary, apprehending People without authority.		Perjury.		Forgery.		Arson.		Resistance of Process.		TOTAL.	
	Trials.	Prisoners.	T.	P.	T.	P.	T.	P.	T.	P.	T.	P.	T.	P.	T.	P.	T.	P.	T.	P.	T.	P.	T.	P.	Trials.	Prisoners.
1791 - -	1	9	20	77	13	33	-	-	49	64	-	-	-	-	1	1	-	-	1	1	-	-	-	-	85	185
1792 - -	1	1	19	115	7	12	2	10	18	27	-	-	-	-	1	1	-	-	1	2	-	-	-	-	49	168
1793 - -	3	5	9	38	6	11	-	-	24	43	2	5	-	-	2	11	-	-	2	4	1	1	-	-	49	118
1794 - -	1	1	13	102	7	16	1	6	17	36	3	17	2	3	-	-	2	2	-	-	1	3	-	-	47	186
1795 - -	5	26	10	42	4	11	1	4	23	58	8	35	1	8	2	2	-	-	2	4	-	-	-	-	56	190
1796 - -	1	8	12	53	7	21	3	9	28	72	2	7	4	11	3	19	1	1	-	-	-	-	-	-	61	201
1797 - -	8	24	14	60	11	38	1	1	17	57	4	12	-	-	8	18	1	3	-	-	-	-	-	-	64	213
1798 - -	7	37	15	59	16	46	2	3	24	42	3	18	5	26	10	19	3	3	1	1	2	5	-	-	88	259
1799 - -	6	25	53	214	16	35	3	4	23	43	5	11	22	87	11	17	4	8	1	1	5	6	4	28	158	479
1800 - -	11	51	39	185	19	42	2	5	33	68	5	22	7	20	24	46	18	28	1	1	4	7	-	-	163	467
	44	187	204	945	106	263	15	42	256	502	32	127	41	155	62	154	29	45	9	14	13	22	4	28	815	2,466

Zillah Nuddea, Fourd^{y} Dep^{t},
16 January 1802.

Crimes in the District of Nuddea, from 1791 to 1800 inclusive.

CONVICTIONS AND ACQUITTALS.																									
Dekoyty, or Gang Robberies, attended with Murders.		Dekoyties.		Murders.		Rape.		Theft and Burglary.		Wounding, and Assault and Battery.		Notoriety.		Breach of Regn^{s}, Girdwary, apprehending people without authority, &c. &c.		Perjury.		Forgery.		Arson.		Escapes and Deaths previous to Trials or Sentences.	Referred to the Magistrate for decision.	TOTAL.		Referred to Trial in the ensuing Sessions.
Convict^{ns}.	Acquit^{ls}.	C.	A.	C.	A.	C.	A.	C.	A.	C.	A.	C.	A.	C.	A.	C.	A.	C.	A.	C.	A.			Convict^{ns}.	Acquit^{ls}.	
-	9	38	39	3	29	-	-	53	11	-	-	-	-	-	1	-	-	1	-	-	-	1	- -	95	90	—
1	-	73	41	3	8	10	-	20	7	-	-	-	-	1	-	-	-	2	-	-	-	2	- -	110	58	—
3	2	26	10	4	7	-	-	24	19	3	2	-	-	2	-	-	-	1	3	1	-	11	- -	64	54	—
1	-	53	49	5	11	3	3	16	20	5	12	-	3	-	-	-	2	-	-	2	1	-	- -	85	101	—
21	4	23	18	1	10	-	4	55	25	11	24	4	3	1	1	-	-	1	3	-	-	3	- -	97	93	—
5	3	25	27	3	17	9	-	40	30	-	7	8	1	14	5	-	1	-	-	-	-	6	- -	104	97	—
15	9	41	18	18	19	1	-	32	24	3	9	-	-	6	11	3	-	-	-	-	-	4	- -	119	94	—
18	18	39	16	21	24	2	-	29	12	10	8	22	4	16	2	1	2	-	1	3	2	9	- -	161	98	—
9	14	100	112	13	22	-	4	23	18	9	2	42	41	13	4	4	3	-	1	1	5	11	28	214	265	—
17	34	129	55	30	12	5	-	89	20	20	2	17	3	28	16	8	10	1	-	5	2	3	1	309	158	4
90	93	547	385	101	159	30	11	311	184	61	66	93	55	81	40	26	18	6	8	12	10	47	29	1,358	1,108	4

G. Oldfield,
Mag^{te}.

No. 1.

Answers by the JUDGES.

Calcutta Division.

Zillah Nuddea, 16 January 1802.

STATEMENT of CAUSES Filed, Decided, and remaining on the File,

YEARS.	NUMBER OF CAUSES FILED.				NUMBER OF CAUSES DECIDED.			
	Judge.	Register.	Commissioners.	TOTAL.	Judge.	Register.	Commissioners.	TOTAL.
Number of Causes on the File at the close of 1792	396	- -	- -	396	- -	- -	- -	- -
1793	2,108	- -	- -	2,108	334	- -	- -	334
1794	1,413	- -	- -	1,413	390	- -	- -	390
1795	1,853	1,188	1,716	4,757	4,555	250	- -	4,805
1796	220	1,426	13,371	15,017	215	170	11,673	12,058
1797	71	511	8,958	9,567	471	1,772	8,030	10,273
1798	421	539	20,441	21,401	306	1,126	18,683	20,115
1799	233	683	29,936	30,852	362	558	29,732	30,652
1800	266	748	27,242	28,256	261	974	27,280	28,515

Zillah Nuddea Dewy Adawt, 16th January 1802.

STATEMENT of APPEAL CAUSES Filed, Decided, and remaining on

YEARS.	NUMBER OF CAUSES FILED.			NUMBER OF CAUSES DECIDED.		
	In Appeal from the Decisions of the Register.	In Appeal from the Decisions of the Commissioners	TOTAL.	In Appeal from the Decisions of the Register.	In Appeal from the Decisions of the Commissioners.	TOTAL.
Number of Causes filed at the close of 1792	—	—	—	—	—	—
1793	—	—	—	—	—	—
1794	—	—	—	—	—	—
1795	10	- -	10	—	—	- -
1796	9	163	172	7	- -	7
1797	6	261	267	6	45	51
1798	32	245	277	7	278	285
1799	58	195	253	31	367	398
1800	93	233	326	72	244	316

Zillah Nuddea Dewanny Adawlut, 16th January 1802.

No. 1.

Answers by the JUDGES.

Calcutta Division.

Zillah Nuddea, 16 January 1802.

in the Dewanny Adawlut of ZILLAH NUDDEA, from 1793 to 1800 inclusive.

REMAINING ON THE FILE.				EXCESS OF CAUSES DECIDED, beyond the number Filed.			
Judge.	Register.	Commissioners.	TOTAL.	Judge.	Register.	Commissioners.	TOTAL.
396	- -	- -	396	—	—	—	—
1,774	- -	- -	1,774	—	—	—	—
2,170	- -	- -	2,170				
1,023	- -	- -	1,023	—	—	—	—
3,193	- -	- -	3,193				
- -	938	1,716	2,654	2,702	- -	- -	2,702
491	938	1,716	3,145				
5	1,256	1,698	2,959	—	—	—	—
496	2,194	3,414	6,104				
- -	- -	955	955	400	1,261	- -	1,661
96	933	4,369	5,398				
115	- -	1,758	1,873	- -	587	- -	587
211	346	6,127	6,684				
- -	125	204	329	129	- -	- -	129
82	471	6,331	6,884				
5	- -	- -	5	- -	226	38	264
87	245	6,923	6,625				

C. Oldfield,
Judge.

the File, in the Dewanny Adawlut of ZILLAH NUDDEA, from 1793 to 1800 inclusive.

REMAINING ON THE FILE.			EXCESS OF CAUSES DECIDED, beyond the number Filed.		
In Appeal from the Decisions of the Register.	In Appeal from the Decisions of the Commissioners.	TOTAL.	In Appeal from the Decisions of the Register.	In Appeal from the Decisions of the Commissioners.	TOTAL.
—	—	—	—	—	—
—	—	—	—	—	—
—	—	—	—	—	—
10	- - -	10	—	—	—
2	163	165	—	—	—
12	163	175			
- - -	216	216			
12	379	391			
25	—	25	- - -	33	33
37	346	383			
27	—	27	- - -	172	172
64	174	238			
21	—	21	- - -	11	11
85	163	248			

C. Oldfield,
Judge.

No. 1.

Answers by the JUDGES.

Calcutta Division.

Zillah Burdwan, 9 March 1802.

MAGISTRATE OF BURDWAN; dated 9th March 1802.

Interrogatories.—1.—WHAT is the number of causes now depending before you, before your Register, and before the native Commissioners?

Answers.—The causes now depending before each of these tribunals, stand in number as follows:

Before the Judge - - - - -	191
- - the Register - - - -	1,303
- - the native Commissioners - -	7,605
Total -	9,099

2.—What proportion does the number of causes now depending before the three tribunals of the Judge, the Register, and native Commissioners, bear to the number of causes usually depending, during the several years commencing from the year 1793 to the present period?

Previous to the year 1797, the causes depending before the tribunal in this zillah appear to have been so numerous, that it was found impracticable to keep any regular register of them, but since that period they have annually decreased in the two first; the number now depending in the Judge's Court bearing a proportion of one in six of the average number depending in the four preceding years; and in the Register's, the number has been reduced in the proportion of one-half, on the same average calculation. In the courts of the native Commissioners, there appears an increase, but this is merely temporary, arising from the numerous revenue suits recently instituted in the present season of the heavy collections, nor can the number now depending before them be deemed great, when the number of these courts (thirty-two), the description of the suits, and the average number decided in them monthly, is taken into consideration.

3.—What number of causes was decided in the past year, by you, by your Register, and by your native Commissioners?

As follows: by the Judge, 588; Register, 2,086; native Commissioners, 10,351.

4.—What number of causes do you suppose must necessarily be depending before your court, and that of your Register, and before the native Commissioners; and what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced.

From the answer given to the 2d interrogatory, it is seen, that the number of causes depending, compared with preceding years, has been reduced in a very considerable proportion, both in the Judge's and the Register's court; and I have no doubt, that a further considerable reduction will be made, and that in the course of a very short time they will not exceed, if they now do, the number depending before the same tribunals in other zillahs, though I believe it will be admitted that, in extent and population, this exceeds the generality of them.

It is less, however, to the extent and population, that any excess is to be ascribed, than to local evils, which, by prolonging investigation, retard decision; and these I shall beg leave to explain.

The generality of the suits brought before these tribunals in this zillah, may be comprized under two classes:

1st. Suits instituted for the resumption of lands alleged to have been fraudulently alienated subsequent to the decennial settlement, and held under antedated grants, and those of the same description instituted by holders of grants for illegal resumptions, under section the 10th of Regulation XIX. of 1793.

2dly. Suits instituted by farmers for the recovery of arrears of rent, and those against them for alleged exactions.

The suits of the first class are numerous, and it is not to be doubted, that the fraud has been committed to a very considerable extent, and that it continues to prevail, every farmer making himself a rent free landholder, during the period of his farm; but the fraud is not easily detected where there is no record either in the zemindarry, or in the offices of Government, whereby it can be ascertained what grants did exist prior to the period stated. The zemindarry accounts, produced by the succeeding farmer to prove the alienation posterior, are not to be depended upon; as little are those produced by his predecessor, or the defendant, to prove the anterior alienation, for each has fabricated them to answer his own purpose; and thus is the court left without any other guide for its decision, than the evidence of numerous witnesses, brought on both sides, to prove opposite and contradictory assertions; and this, I am sorry to say, in many instances is as doubtful and unsatisfactory, as the documents and vouchers being procured with the same ease, as the latter are fabricated for the purpose.

The above observations are equally applicable to the suits included in the same class for illegal resumptions, and those of the 2d class are not less numerous, nor less intricate.

The interchange of engagements between the parties, with few exceptions, extends no farther than to the zemindar's farmer, who is here termed the Sudder farmer, and to those amongst whom he subdivides his farm in portions; an engagement between the latter and the cultivator, or heads of a village, is scarcely known, except the general one mutually understood to receive and pay, agreeably to past and preceding years, and for ascertaining this the accounts of the farm are no guide.

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Zillah Burdwan, 9 March 1802.

The zemindar himself, seeing that no confidence is to be placed in the accounts rendered him of the rent roll of the farm, from the practice which has so long prevailed, of fabrications and rendering false accounts, never attempts to call for them at the expiration of the lease; and instead of applying a correction to the evil, increases it by farming out the lands literally by auction, and the same mode is adopted in almost every subdivision of the farm. The consequences of such a system must be obvious; needy, rapacious farmers, and fraudulent tenants, become friends, and collusively agree, at the expiration of the lease, to defraud the succeeding farmer. A trifling douceur from the ryot, or the ryots of a whole village, is sufficient to procure a fabrication of the accounts, and a receipt to correspond with them, for a sum much below that actually paid, or the revenue demand for the year; and these are the valid and incontrovertible vouchers held out to the successors in the farm for his guide.

The practice is, however, too universal and too well known to deceive him; but he is without an alternative, and acts his predecessor's part in the repetition of it; for if honestly disposed, which is rarely the case, he has not time to have recourse to a measurement for ascertaining the quantity and quality of lands in the occupancy of the cultivator, with a view to a fair equitable assessment; and the ryots, finding their benefit in the confusion, and despairing, of honest dealing towards them whilst the present system exists, would oppose it, so as to make him a sufferer for the attempt.

These are local evils, originating in the great extent of the zemindarry, and the bad management of the proprietor; and are less worthy of notice, as they affect the speedy decision of suits, than in their effects upon the public revenue, which cannot fail ultimately to suffer from the abuses I have mentioned.

It will, however, be evident that they must occasion considerable delay in passing decisions. But notwithstanding those difficulties which the Courts of this zilla labour under, and the great portion of time necessarily given, both by myself and the Register, to the Foujdarry department, I trust it will not be found that the number of causes depending greatly exceeds the number depending before the same tribunals in other zillahs; and I can pledge our exertions to reduce them as low as may be found practicable.

In the Courts of the native Commissioners, the number will ever be great; and I have always been averse to the institution of these Courts on the present system, from a real belief that they are hurtful to the country; and sure I am that the purposes of their institution would be better answered in this zillah, I will add, in all Bengal, by the establishment of a few Courts at the Sudder station, immediately under the eye of the Judge, for the cognizance of the suits now cognizable by these native Commissioners. It is now universally admitted that the natives of Bengal are litigious, and the number of these Courts, dispersed throughout the country, opens a wide field to them to indulge this disposition; nor is it to be doubted that the Commissioners themselves, with their train of vakeels and peons, encourage it for their own interest. The majority of the suits instituted in them are vexatious; and I am persuaded, that the administration of justice would not be affected by their abolition, and the establishment of those above suggested in lieu.

The jurisdiction of the new Courts suggested, might also be extended to all suits not exceeding in amount one hundred rupees, whereby a relief would be afforded to the Registers, that it much requires; and all should be assessed with a charge, at least equivalent to defray the expense of the establishment, which should be fixed and payable from the treasury of Government.

5.—Are you prepared to suggest the establishment of any rules which (consistently with the due administration of the laws) would expedite the decision of suits? Are you of opinion that this object would be in any degree promoted, by leaving it optional in the different tribunals to commit the depositions of witnesses, in causes not appeable to a higher tribunal, to writing, or not, as the Judges might think proper?

An accurate record of the rent, free grants, and of the revenue lands, and the execution of regular engagements by the farmers and under renters, would do much towards the object proposed in this Interrogatory; and little more would be found requisite. I am not of opinion that it would be promoted in any great degree, or that any expedition would be obtained by the omission suggested; nor do I think it advisable, as it would be productive of complaints to the superior Courts; and the intention of it would, in my opinion, better be answered by the attachment of a few officers to the Court, whose duty it should be to take the evidence of the witnesses, in the presence of the parties or their vakeels, to the points contained in their pleadings. These officers might also be usefully employed to inspect them, when filed, to see that they are conformable to the Regulations, and that there is no delay in the delivery of them, an assistance the Courts of this zillah stand much in need of: and I see not why the pleadings may not be limited to plaint and answer; for the others, if conformable to the Regulations, are of little use, but they are now generally, if not the principal, made the longest. The vouchers referred to, as also lists of witnesses, might be filed with them, and the whole be prepared, so as to enable the Court to pass judgment on the suit at one sitting. At present, frequent adjournments are unavoidable, for the filing of these necessary vouchers; in the delivery of which there is always considerable delay, and the Court is in doubt, whether the vakeels or their clients are blameable for it. There is certainly a mutual want of confidence, or an indifference on the part of the vakeels, with respect to the issue of the suit, that proves a great interruption to the dispatch of business, for neither will trust the other: the client his vakeel with the vouchers, and the fees payable on the filing of them; nor the latter the former with making any advance for him; and from this want of confidence between the employer and the employed, together

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with the doubt which the Court entertains, whether the latter has done his duty towards the former, in giving the necessary information, repeated adjournments of the suit are made.

6.—Are you of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and that of the Register to sums exceeding S.R^{s} 200? What is the amount to which you would recommend the jurisdiction of the Courts of the Commissioners and of the Registers should be extended, and to what degree would the general administration of justice in the district subject to your jurisdiction, be expedited by the adoption of this arrangement?

The abolition of the numerous Courts is recommended in my answer to the fourth Interrogatory; and if my objections to them had not been so strong, I should have been against any extension of their jurisdiction in respect to the amount of the suits cognizable by them. And with regard to the Register's Court, it rather requires relief; and I have proposed the relief advisable to be afforded to it, in the establishment and extension of the jurisdiction of the new Courts suggested in lieu of those of the present native Commissioners, recommended to be abolished.

7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of lawsuits to be too considerable, or otherwise?

It certainly has been considerably checked by the establishment of these charges; and I am less against the aggregate amount of the expense to which lawsuits are now subject, than to the number and variety of heads under which it is made payable: these occasion delay, as before observed; and from not being intelligible, or known to the generality of suitors, may partly produce that want of confidence noticed in their vakeels.

The simplification of them by consolidation, and the establishment of a per-centage, would be advisable; and I think the amount might be lessened on the smaller suits, for, in addition to these charges, it should be considered that the generality of suitors are subject to the further expense of a private agent to attend on the vakeel.

8.—Do the fees paid to the licensed vakeels, on suits instituted or defended by them, constitute a sufficient inducement to men of character, and of proper qualifications, to undertake those situations? Are the vakeels attached to your Court persons of the above-mentioned description; and are they, in general, well acquainted with the printed Regulations?

I am of opinion that the fees are fully ample for the purpose, but the situation seems not yet to be sufficiently known; and hitherto few have offered, or been found willing, to undertake it, excepting those who before acted in the capacity under the former system; and this description affords a few of character, and of proper qualifications, for the office. Hence few men of character and ability are to be found amongst the number at present holding the situations; at least it is the case in this Court; for, of the number (48) at present attached to it, there are not more than 10 or 12 who I think favourably of, or who appear to me to possess an adequate knowledge of the Regulations to qualify them for discharging the duties of their situations.

The limitation to the number of 20, which I think fully sufficient for the business of the Court, would, I am of opinion, have a good effect in increasing their emoluments, and making the situations more desirable. This would induce good conduct, and attention to improve themselves; and men of character and of proper qualifications would soon be found soliciting the succession to the stations, as vacancies occurred.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

I was partial to the establishment at first, from a real belief that this good effect would have been produced by it; but it may be inferred, from what I have above said, that my expectations, in this respect, have been disappointed; and I am sorry to say that it has not been produced in any sensible degree. The failure, however, is not wholly to be attributed to the vakeels, but partly to their employers, who withhold the necessary information from them.

10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity?

I have had no complaints made against them by their clients, but have before observed, that in many instances, an indifference is shewn by them in regard to the issue of the suits upon which they are employed; and I am afraid that they do not always discharge their duty with honour and fidelity.

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

I have found some zemindars and principal farmers and merchants tolerably well acquainted with those laws which chiefly concern them, but few seek the information; and from this cause I am afraid that the knowledge of the Regulations is much confined to the Sudder station.

12.—Are

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12.—Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

I am not aware that any alteration in the forms established for the trial of civil suits is necessary for the object proposed in this Interrogatory, or that any thing further for it is necessary than what I have suggested in my answer to the 5th. With that assistance, I can venture to promise that there will be few suits in arrear in the Courts of this zillah.

13.—Have you, in your Court-room, any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court, or sitting in it?

The Court-room at this station has the accommodations mentioned in the Interrogatory: no further form or ceremony is observed than the proclamation of the opening and sitting; and, after going through the causes notified for the day, all petitions, and applications by motion are received and heard, and orders passed upon them.

14.—Are there any private schools or seminaries in the district under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are those institutions maintained?

There are few villages of any note in which there is not a school, but the instruction in them is confined to the teaching of children to read and write; and I know not, nor have heard of any within this jurisdiction, in which the law, either the Mahomedan or Hindoo, is taught. The most learned in the latter are found in the neighbouring district of Nuddea, from whence and Benares the other stations are supplied; and the Mahomedans bear but an inconsiderable proportion to the inhabitants of this zillah, receiving their education in the common branches from the village schoolmasters above mentioned, or from their friends.

15.—What is your opinion regarding the general moral character of the inhabitants of your district? Has the moral character of the inhabitants in general been improved, or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

I am sorry that I cannot report favourably of it, or give it as my opinion, that the lenity and humanity introduced by the British system has tended to improve either the Mahomedan or Hindoo moral character. Certain it is, that much profligacy, vice, and depravity, are to be found amongst the higher class; and crimes committed by the lower, will, I think, be found more prevailing, and in greater number, than under the Mahomedan jurisprudence; at least as far as a comparison of the records of the two periods can be made the criterion of judgment, this is found to be the case in this district; but it may be proper to observe, that all crimes and offences are now reported to the magistrate, and that few of the offenders escape. The increase may therefore, in a great measure, be only apparent; but I am of opinion, that the number actually committed has increased; and having observed that few of the offenders escape, I cannot assign any other reasons for the increase, than that the punishment on conviction is inadequate to deter, and that the police establishments are inadequate to prevent the commission of crimes. The increase may be ascribed to the inadequacy of both, for their purposes.

16.—Are you of opinion, that the inhabitants in general, of the district under your jurisdiction, consider their private rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

They certainly do consider their rights and property fully secure by the present constitution of the country against infringement; and sure I am, that none have reason to entertain a contrary opinion, or that where the infringement may be made, either by the executive officers of Government or by individuals, the fullest redress will not be afforded them. They have the most perfect confidence, that the Government itself will not infringe the laws which it has enacted for their security, and that it will protect them from the infringement by others.

17.—Are you of opinion that the district under your jurisdiction is in a state of improvement, or otherwise, with respect to its population and commerce, and its buildings or other works, for religious, domestic, or other purposes, and on what grounds do you form your opinion?

Notwithstanding what I have noticed in my answer to the 4th Interrogatory, of the disadvantage which this district labours under from the farming system, I have no hesitation in saying, that it is in a state of very considerable improvement; and that this is shewn in an evident increase of cultivation, in a number of new raised villages, whereby an increase of population may be inferred, an increased and daily increasing number of brick buildings, both for religious and domestic purposes. The commerce has also been both facilitated and extended, by the opening of the three grand roads leading to Hougly, Culna, and Cutwa, which have lately been put into a good state of repair by the labour of the convicts; and nothing can more forward the commerce of this district, which has not the advantage of inland navigation, or more conduce to the general convenience of the inhabitants, than good roads.

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18.—Are you of opinion that the inhabitants of the district subject to your jurisdiction are, in general, satisfied with the British Government?

They certainly are satisfied with it; and living happily, and prospering under its mild and equitable laws, and the protection afforded them, I am sure are well affected to it.

19.—Is the present system of police well calculated to insure the apprehension of offenders?

In the answer to the 14th Interrogatory, I have noticed, that few escape, and it is well calculated for the purpose in this district.

20.—Are the police establishments in the district subject to your jurisdiction adequate to the duties required of them?

They are certainly not adequate; the paunalis are too few, and the establishments will not admit of the necessary detachments for the performance of those duties in the numerous populous villages under them; and little assistance can be expected from the zemindarry pykes and village watchmen, as these are generally found to be offenders.

21.—Are you of opinion that the number of crimes committed annually in the district under your jurisdiction, has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

I cannot assert that they have increased since the year 1793; but a reference to the calendars, and the result of the trials, will evince that they have been lamentably numerous in each subsequent year. There is however every prospect that they will be less frequent henceforward, from the number of offenders who have been punished on conviction by transportation, amounting in the two last years to upwards of two hundred; and I may fairly hope a good effect, from having brought many of the most notorious serdars, or heads of gangs, to justice.

22.—What crimes of enormity are most prevalent in the district under your authority; what is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

The crime the most prevalent in this district, is decoity, or gang robbery, and the calendars exhibit few other crimes. This, however, is frequently accompanied with murder; and if I had not experienced it to be equally prevalent in other districts far less populous, and indeed where the population did not afford hands sufficient for the purposes of tillage and agriculture, I should have ascribed it frequently, in this jurisdiction, to the excess of population in the lower order; but I am persuaded that it is a calling, and hereditary with them, the same as any other trade followed by the lower classes of Hindoos. It is the most certain mode of robbery, from their going in large gangs, for the acquisition of booty, and the most difficult of conviction, and therefore is preferred. An increased number of tannahs would certainly prove serviceable for checking the frequency of this crime; and I am of opinion, that the transportation of all convicted of it, whether principals or accessaries, would have a good effect.

23.—Do the inhabitants in general, of the district subject to your jurisdiction, keep arms in their houses; what description of arms do they retain; and for what purposes are the arms retained?

They do, in general, and I may say without exception, for scarcely a person is to be seen without a julwar and shield. The higher and middling order have these and matchlocks, some as appendages of state, others for their own defence and protection; and the arms retained by the lower order, either for their own protection or the purposes of robbery, are of every description; matchlocks, tulwars, spears, long swords, hatchets, axes, bows and arrows, &c.

24.—Are there any brick or mud forts, and what is the nature of their construction?

There are no brick forts, that I am informed of, in this district, but the remains of several of mud are still visible. These were originally constructed for the security and protection of the inhabitants against the Mahrattas, who frequently harassed it with incursions of horse; and when the internal government of the country experienced frequent convulsions from changes. Since the accession of the Company, and the protection afforded by the establishment of the military station at Midnapore, they have been neglected as useless, and nothing now remains of them but the ditches, and the bastions, covered with jungle.

25.—What proportion do the Hindoo bear to the Mahomedan inhabitants in the district subject to your authority; and what do you suppose to be the number of the inhabitants of your district, of all descriptions?

I have no data to guide me in this answer to the Interrogatory, but the number of villages, and the number of houses in each village; and supposing each house, on an average, to contain four persons, which I consider a low average, the number of inhabitants would amount to one million seven hundred and eighty thousand, and I think the number may be computed at two millions; of this number I suppose 1-16th to be the proportion of the Mahomedans.

26.—What are the names of the persons possessing the highest rank and the greatest opulence in the district subject to your jurisdiction; what number of followers, armed or otherwise, are they supposed to maintain in their service; and do they appear abroad with such followers armed?

The only persons possessing rank in this district are the Rajahs of Burdwan and Bissoupore,

soupore, the name of the former Taije Chund, and of the latter Chyton Sing, but neither of these maintain any followers in their service, hiring a retinue for the purpose of state when they appear abroad, either on visits of ceremony or other occasions. The former is not supposed to possess much wealth, nor do I believe that he has any, exclusive of his zemindarry; and the latter has the title only left, the greater part of the lands which composed his zemindarry having been sold for arrears of rent, and the rest are now under attachment preparatory to the sale.

The other zemindars are of no considerable rank, and many of the most principal have their concerns managed by an agent, having their own residence in Calcutta, or in that part of the district comprehended in the Houghly jurisdiction. There are several very considerable merchants who carry on an extensive trade in salt, tobacco, grain, and cloth; such are the following:—Takore Doss, Nundee Gocul Chund, Koond Preym Chund, Gooey Sartuck Syne, with several others; and most of the principal Shroffs and banking houses in the country, have their agents conducting their concerns in the district.

27.—Are there are any persons in the district subject to your authority, supposed to be disaffected to the British Government, and what are their names, and to what means do you resort for superintending their conduct? Have these persons any influence in the districts, and to what extent?

I know not of any in the least dissaffected to the British Government; and am very certain there are none possessing any influence to disturb it.

28.—Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

The natives of Bengal and of the provinces, generally, I believe, are not famed for possessing gratitude in any eminent degree; but it cannot be supposed that the adoption of the measure suggested in this interrogatory will make them less grateful; and I am of opinion that it will contribute to strengthen their attachment to the British Government, and prove serviceable, as encouragement to acts of good conduct to merit the mark of distinction proposed to be conferred.

29.—What is the state of the roads, bridges, and other public works, in the district under your authority; and at whose expense are they keept in repair?

In as far as the information required by this interrogatory respects the roads, I have great satisfaction in stating, that the authority given me by his Excellency the Most Noble the Governor General in Council, to employ the convicts upon them, has enabled me to put them into a state of repair in which they were never before known; and that this has been done without any other expense than that necessarily incurred, and paid by Government for the implements of the work. The three grand and most useful roads leading to Houghley, Culna, and Cutwa, which may properly be termed the ports of the district, have been completely re-made; a fourth, leading to Beerbhoom, is in a considerable state of forwardness; and I propose, in the course of a few days, to commence another to join the military road leading to Midnapore. Besides these mentioned, and which include an extent of more than fifty coss; a variety of others, equally useful to the inhabitants, have been made in the town and its vicinity; and I beg leave, in further answer to this part of the interrogatory, to subjoin the flattering testimony given by the acting third Judge of the Court of Circuit, in a paragraph of his letter to me at the close of the last sessions held at this station; observing, that Mr. Bruce was formerly a resident at it for many years, and consequently the improvements were more visible to him:—

"The Roads in this district are peculiarly deserving the attention of Government;
"and the manner in which you have employed the convicts have been attended with
"the best success. I need only instance the Cutwa, Culna, and Houghly roads, in-
"dependent of others which you have made, to prove to the Nizamut Adawlut the
"benefit the public has derived from your judicious application of the labour of the
"felons."

Some improvement has also been made in bridges. The new one constructed by his Lordship's orders across the Banka Nulla, from its extent, and the superior manner in which it has been executed, is really a magnificent work, the admiration of the inhabitants, and of every person who sees it; and its usefulness, I trust, is satisfactorily proved in the Report which accompanied my letter to Mr. Secretary Dowdeswell, under date the 13th November last; shewing that the number of persons who crossed it in one month amounted to 180,000.

The expense incurred in the construction of the above bridge, amounting to about 20,000 rupees, with the exception of a small part, has been defrayed, at my recommendation, from the fine and forfeiture levied from the Rajah and his vakeels; the rest by Government. And a few others have been built, but these are inconsiderable works; and the expense of them been defrayed partly by Government and partly by the voluntary contributions of private individuals. The roads, however, in this district are still very defective in bridges, many more new ones being requisite, and the old requiring repair; and I regret exceedingly, that I have not the means of improving and making them more useful and beneficial to the country. But without the aid of Government, or a tax being levied for the purpose, the intercourse must continue subject to much difficulty from this

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defect in the roads; and it is the more to be regretted, from the district, as I have before observed, being destitute of the convenience and advantage of an inland navigation.

30.—How are the convicts in the district usually employed; and is there any manner of employing them which appears to you preferable to the manner in which they are at present employed?

In reply to the preceding interrogatory, I have mentioned the convicts to be employed in the repairs of the public roads through the district, in the town and its vicinity; and I hope it will be admitted, that they cannot be more usefully or beneficially employed; and that the public has already derived considerable advantage from this application of their labour. The security of the employment also, in as far as apprehension of escapes might have been an objection to it, is proved from my not having lost a man from the time they have been upon the duty, now two years; and that the labour and exercise have been conducive to their health, is clearly shewn from the few deaths that have occurred among them.

31.—What is the state of the jail in your zillah?

The jail in this zillah is a very extensive brick building; and, with the others of mud, constructed for the accommodation of the increased number of persons, very secure, and in very good condition. The former requiring merely white washing annually, and the latter new thatching.

The number of prisoners confined in them is 1,327; of which 115 are dewannee or debtors, who are in a large spacious house, affording them every accommodation, separate from the building allotted for the convicts, and the others confined in the Foujdarry department.

32.—What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character in your zillah, commissions empowering them to act as Justices of the Peace? Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons; would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

From what I have mentioned in the course of my replies to the preceding interrogatories of the zemindars and of their farmers in this district, it must be seen, that the adoption of the measure suggested in this interrogatory, if it is not impracticable, is not advisable in this zillah; and I am persuaded, that to vest them with the powers proposed, would not only prove nugatory for the objects intended, but be highly detrimental to the country, and destructive of the peace of the inhabitants. Few of the zemindars and farmers of any respectability reside on their estates and farms to exercise it with effect for the purposes; and to allow them to delegate the power, or to vest their agents or under farmers with it, the worst and most mischievous consequences are to be apprehended from their abuse of it. In other zillahs the same objections to the adoption of the measure may not exist; and, where it can be adopted, it certainly would materially contribute to the suppression of crimes, and to facilitate the apprehension of offenders. But in any I should deem it advisable, to confine the extent of the jurisdictions to the estates or farms of the persons to whom the commissions were granted.

33.—Are there any new rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

I am not aware that any rules or regulations are necessary for the purpose; but an increased number of tannahs, as suggested in my answer to the 22d Interrogatory, would be useful.

34.—What has been the operation of the last regulation, respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion, that the establishment of the taxes, now levied on spirituous liquors, have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

I am sorry to say, that the regulation has not operated to lessen the vice in any sensible degree; but that it has not had this effect, in this district, is much to be ascribed to the great extent of the police tannah jurisdictions, and to the insufficiency of the establishments to perform the duties required from them by the regulation, in addition to the other duties which they have to perform. Whether from this, or whatever other cause, it is certain, that both the regulation and the taxes have proved inadequate to check the vice; and I am doubtful whether it is not more prevalent than it was before the establishment of those taxes.

35.—Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the district?

The institution of schools for the instruction of the young rising generation, Mahomedans and Hindoos, with Examiners appointed to see that attention is paid to their education, and books printed and distributed at the public expense, among the young children attending the schools, would undoubtedly have a good effect upon the character of both. The establishment of some English schools would also, I am of opinion, prove useful, and be attended with good effects in time, but the education in these should be gratis, and the progress of the children be inspected by the magistrate of the district; and I am persuaded, that the most beneficial consequences will result from the late institution at the Presidency by the present administration, and that it will be found to contribute more to the improvement of the moral character of the natives, than any thing done for the purpose, by any former administration.

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It is also much to be wished, that Government could employ the poor in any kind of labour, that their own industry could procure a subsistence, as this would lessen the number of thefts, whose frequency makes them be considered in a less odious light than they would, if they seldom occurred; and vice being progressive, the institution of some courts in the interior of the country, for the cognizance of all petty offences against morality and good order, would prove useful for checking its progress.

The establishment I have suggested, will doubtless be attended with expense; but where the objects in view are of so much real importance, the expense should not be considered; and surely something more than protection is due from Government.

36.—In your opinion, what has been the effect of the regulation, which declares persons convicted of the crime of perjury, liable to be marked in the forehead?

I have not known an instance where the punishment has been inflicted, and therefore cannot speak to its effect. The persons generally suspected of the crime, are the low and illiterate, and to prove it wilful against them is difficult, nor is it my opinion, that this punishment for the crime can be attended with any good effect.

37.—What has been the operation of the punishment of transportation introduced by the British Government?

I am sorry to say, that although the most sensibly felt of any, yet it has not operated in any perceptible degree to deter from the commission of the crimes, exposing the offenders to it; but from the effect it has upon the individuals who suffer it, extending to their families and connexions, I can entertain but little doubt, that this very desirable object of the punishment, will be answered in the course of time; and I am happy to add, that some instances have recently occured in this zillah, wherein I have experienced it to have a very good effect, by inducing those who have been sentenced to it, with a view to procure its mitigation, to impeach their accomplices, whereby I have been enabled to bring a number of offenders to justice; nor has the benefit been confined to this, for it has bred distrust amongst them, and this in its consequences, I may fairly hope, will do much towards destroying the gangs.

38.—Are you of opinion, that the Mahomedan criminal law, with the alterations of that law made by the British government, is administered with too much lenity, or with too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

The punishment of mutilation formerly inflicted, certainly operated with more effect to deter from crimes, than that substituted by the British Government in lieu of it, has hitherto been found to have done; but I am far from being an advocate for the re-introduction of that cruel punishment, nor is it in my opinion necessary.

The law, with the alterations made in it by the British Government, does not appear to me to be administered either with too much severity, or with too much lenity, but in a proper mean; though I could wish the punishment of transportation to be inflicted more frequently, from a persuasion of its efficacy, and where it cannot take place, I would suggest the removal of offenders from the scene of their depredations, and from their connections, to the jail of some remote zillah, as likely to be attended with good effects.

39.—What is the nature of the general conduct of the Europeans not in the service of the Company, who reside within your jurisdiction?

I am happy to have it in my power to say, that it has been such as to meet with my approbation, correct, regular and moral; and it is a justice I owe them, to observe, that I have not known an instance of complaint against any of them since I have been at the station, now three years.

40.—What is the general condition of the weavers and other manufacturers in your jurisdiction? Are the existing laws and regulations well calculated for insuring justice to the weavers and manufacturers in their dealings with the officers of the Company, and with private European merchants, and also for enabling the officers of the Company, and the individual European merchants, to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods?

I am really incompetent to speak to the general condition of the weavers and other manufacturers in this zillah, having little or no intercourse with them; but from every information I can obtain from the merchants, both European and Native, I understand it to be good, and I believe, it is equal to what it will be found in any other district; and with respect to the laws and regulations, I can only observe, that I have had no complaints, nor am I aware that they are defective for the purposes mentioned in the Interrogatory.

Zilla Burdwan,
9th March 1802.

E. Thompson, Judge & Mag^te^.

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Zillah Twenty-four Pergunnahs, 1 July 1802.

To GEORGE DOWDESWELL, Esq. Secretary to the Government.

SIR,

ACCOMPANYING, we have the honour to transmit our replies to the Interrogatories forwarded with your Letter of the 29th of October last.

We are, Sir,

Your most obedient humble Servants,

Cha. F. Martyn, W. C. Blaquiere, A. Macklar, E. Thoroton,

Mag^{t}.

Zillah, 24 Pergunnahs, Fouzdarry Adawlut, the 1st July 1802.

ANSWERS to Interrogatories received by the Magistrates of the 24 Pergunnahs and Districts adjacent to *Calcutta*, from the Secretary to Government, under date the 29th October 1801.

Par. 1. The thirteen first Interrogatories applying expressly to the administration of the Civil Law, and the Dewanny Adawlut with all its records, having been removed to Hooghly previous to our taking charge of the Foujdarry duties of the 24 pergunnahs and districts adjacent to Calcutta, we are unable to furnish the information required by Government on the several points noticed therein. We commence therefore with the 14th Interrogatory, as the first in the paper that does not immediately apply to the Dewanny department.

Interrogatory XIV.—Par. 2. There are 190 seminaries in which the Hindoo law, grammar and metaphysics, are taught in the districts subject to our jurisdiction. These institutions are maintained from the produce of certain Birmoster or charity lands, and by the voluntary contributions of opulent Hindoos residing in their respective neighbourhoods. The annual expense of these seminaries is estimated at 19,500 rupees.

Par. 3. We find only one madrissah or seminary in which the Mahomedan law is taught in the 24 pergunnahs and districts adjacent to Calcutta. It is supported from the produce of certain lackrauje lands, and superintended by a moulvie named Amsahul Dien.

Interrogatory XV.—Par. 4. We are sorry that we cannot make any favourable report respecting the moral character of the inhabitants of the districts subject to our jurisdiction. The lower classes are in general profligate and depraved. The moral duties are little attended to by the higher ones. All are litigious in the extreme; and the crime of perjury was never, we believe, more frequently practised amongst all ranks than at present.

Par. 5. The system introduced by the British Government for the administration of the law, and for the conduct of the internal administration of the country, does not therefore appear to have improved the moral character of its inhabitants. The mildness and lenity which pervades that system, is not, we think, by any means adapted to the general character of the people, whose vices and crimes can only be controuled by vigilant superintendance and severe example.

Par. 6. The depravity of the native character may also, we think, be in great measure attributed to the total want of attention shewn to the maxims and discipline inculcated by the Hindoo religion. These maxims were either made the source of emoluments or were wholly neglected under the Mahomedan Government; and under the British one, they do not appear to have been considered as a requisite part of the system introduced by that Government for the administration of the laws, and for the internal regulation of the country.

Par. 7. Outward forms of religion are the only ones at present observed; and the use of spirituous liquors, debauchery, and numberless other vices, which formerly met with the severest checks and punishment, are now practised with impunity amongst all classes.

Par. 8. Under the ancient Hindoo Government, the conduct of individuals was carefully watched by the perramanicks and heads of classes, and, when reprehensible, met with severe public censure and excommunication from the class to which the offender belonged, and to which he could not be restored without the Rajah's permission.

Par. 9. The persons thus excommunicated became entire outcasts; no person could associate with them under pain of excommunication; no washerman or barber could officiate for them under pain of fine and imprisonment; nor were they allowed to return to society till they were supposed to have made due atonement for the offences they had committed.

Par. 10. We are of opinion that the renewal of this system, with some modifications under the controul of the magistrates, would tend to improve very considerably the moral character of the inhabitants throughout the country.

Interrogatory XVI.—Par. 11. The inhabitants of the 24 pergunnahs, and the adjacent districts do, we believe, consider their private rights and property as secure from infringement, either by the executive officer of Government, or by the supreme executive authority itself, under the present constitution of the country, as they could possibly be under any form of government whatsoever.

Interrogatory XVII.—Par. 12. We have reason to believe, that the 24 pergunnahs and adjacent districts subject to our jurisdiction, are in a state of improvement with respect to population, cultivation, commerce, &c. Our opinion is founded (and we have no doubt

but

but it will be confirmed by the report of the collector, and the records of his office) on the quantity of waste ground and jungle that appears to have been brought into cultivation, and the number of ghauts, religious temples, and other buildings that have lately been constructed by the inhabitants.

Interrogatory XVIII.—Par. 13. We are of opinion, that the inhabitants of the districts subject to our jurisdiction are, in general, satisfied with the British Government, and with the protection and security they enjoy under its influence.

Interrogatories XIX. and XX.—Par. 14.—The present system of police is not, in our opinion, well calculated to secure the apprehension of offenders, or to answer the chief and principal object of all police institutions; that of preventing the commission of crimes by a constant and vigilant watch over the conduct of such of the inhabitants as, from their general habits and character, may be supposed most likely to engage in them. Nor are the police establishments in the 24 pergunnahs and adjacent districts adequate, in our opinion, to the duties required of them.

Par. 15. The increase of these establishments would, in some measure, remedy the evil noticed in the first part of the preceding paragraph, and enable the darogahs to keep a more effectual watch over the conduct of the inhabitants of their respective jurisdictions, than they can possibly be expected to do with the present establishment.

Par. 16. The burkundazes, now employed under the darogahs, are neither sufficient in number, or calculated, from their character and occupation, to be useful officers of police, any further than relates to the seizure of such offenders as may be pointed out to them, and of conducting them, when apprehended, to the magistrate's cutcherry. To the more important business of police, that of preventing the commission of crimes, and tracing out the perpetrators, they are wholly inadequate.

Par. 17. We would therefore recommend, that instead of increasing the establishment of burkundazes, a certain number of choukeydars be employed under each of the darogahs. The duties of these choukeydars should be to ascertain the character, connections, and occupations of the inhabitants of those parts of the district in which they are respectively stationed, and to report the same to the darogah. The tracing out of offenders should be left chiefly to the choukeydars; and the burkundazes, whose numbers are sufficient for the purpose, might be employed in securing and conducting them to the magistrate's cutcherry.

Par. 18. We would also recommend, with a view to secure the immediate attention of the darogahs to the more important business of the police under their respective jurisdictions, and to stop what, we have reason to believe, is at present made the source of very improper emolument, that the authority vested in them by Section 12, Regulation 22, of 1793, of receiving razeenamahs, and discharging the parties executing the same, be withdrawn; and that in all cases where the darogah is now authorized to receive razeenamahs, he do in future take security for the appearance of the parties before the magistrate; or, in the event of their refusing or being unable to give such security, that he forward them forthwith to the magistrate's cutcherry. The subject of complaint in which the darogahs have the power of receiving razeenamahs, are in all instances so trifling, and, in general, so groundless, that were the plaintiff assured, when instituting his charge, that he must substantiate the same before the magistrate, he would, we conceive, in very few instances, proceed; and probably the ends of justice, and the purposes of police, would be more effectually answered, by discouraging, as far as possible, complaints of so frivolous a nature as those which the darogahs are authorized to settle.

Interrogatory XXI.—Par. 19. The records of our office do not enable us to report, with any degree of accuracy, the number of crimes committed annually in the 24 pergunnahs and adjacent districts, from the year 1793 to the period of our taking charge. We have reason to believe, that the police darogahs were by no means regular in reporting the crimes committed within their respective jurisdictions; and that numbers were perpetrated which never came to the knowledge of the magistrate. We are happy, however, in observing, that capital crimes of all descriptions, and that of dakoity in particular, have decreased considerably during the last two years, in the districts under our charge.

Par. 20. The following are the causes to which the frequent commission of crimes in general, and that of dakoity in particular, may, we think, be in great measure attributed:

First:—The removal of all responsibility, in matters of police, from the zemindars.

Second:—The want of power in the magistrates to try all criminal cases, and to punish all offenders convicted of crimes that are not of a capital nature.

Third:—The delay attending the administration of criminal justice, and the length of time that elapses before criminal prosecutions are brought to a conclusion.

Fourth:—The want of a house of correction for the commitment of vagabonds, and idle and disorderly persons of all descriptions, the good effects of which are very evident in the town of Calcutta.

Fifth:—The want of additional regulations, to prevent the sale and purchase of stolen property.

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Sixth :—The inadequate punishment inflicted on offenders, when convicted of the crime laid to their charge.

Seventh :—The difficulty with which prosecutors and witnesses can be prevailed upon to come forward.

Interrogatory XXII.—Par. 21. The crime of dakoity appears to have been more frequent than any other in the 24 pergunnahs and adjacent districts, since the year 1793. Its prevalence may, we think, be attributed, in addition to the causes set forth in our reply to the 19th and 20th Interrogatories, to the number (if we may be allowed the expression) of hereditary dakoits, by whom, when we took charge of our office, we found these districts infested. Dakoity was their profession; the one which their ancestors had probably for generations followed, and which profligacy, united with indolence, prevented them from relinquishing.

Interrogatory XXIII.—Par. 22. are not in general kept by the inhabitants of the districts subject to our jurisdiction. (Birjebausies) armed with fulwars, are however retained, though not in any great numbers, by some of the zemindars and talookdars residing within our jurisdiction, for the purpose of guarding their property against the depredations of dacoits; and in some instances, we believe, to assist in collecting their rents, and to overawe the adjoining zemindars, with whom they are frequently at variance. They are also occasionally used as hircarrahs to run before their masters palanquins in Calcutta, as well as in the Mofussil.

Par. 23. The number of attendants of this description ought, we think, to be limited, at the discretionof the magistrate. Their names should be registered at the cutcherry, and the zemindars, talookdars, and others, should be obliged to give notice to the darogah, or at the magistrate's cutcherry, whenever they change or discharge any of their armed attendants.

Interrogatory XXIV.—Par. 24. There are no brick or mud forts belonging to individuals in the districts subject to our jurisdiction, but such as are extremely old and entirely in ruins, so much so as to render it impossible for us to give any accurate account respecting them.

Interrogatory XXV.—Par. 25. We reckon the Hindoo inhabitants of the 24 pergunnahs, and the adjacent districts, subject to our jurisdiction, to be in the proportion of 12 to 4 to the Mahomedan; and the number of inhabitants of all descriptions taken on the actual enumeration of a number of the taulooks in the 24 pergunnahs, may be estimated at one million six hundred and twenty-five thousand; to these, if we add the inhabitants of Calcutta, estimated at six hundred thousand; the population of the 24 pergunnahs; the town of Calcutta, and the adjacent districts within twenty miles, will amount to two millions two hundred and twenty-five thousand.

Interrogatory XXVI.—Par. 26. The Nawab Dilawur Jung and Rajah Cullian Sing, are the only persons of real rank residing in the districts subject to our jurisdiction.

Par. 27. The number of their followers armed and otherwise are as follows:

The Nawab DelawurJung - - - -	32.
Raja Cullean Sing - - - - -	136.

Par. 28. Both these persons appear abroad with a considerable number of their armed attendants.

Par. 29. None of the zemindars in the 24 pergunnahs and districts adjacent to Calcutta, possess any real rank, and few of them are opulent.

Par. 30. The number of their armed attendants seldom exceeds four or five, one or two of whom are generally employed to run with their master's palanquins.

Interrogatory XXVII.—Par. 31. We have reason to believe, that the inhabitants of the districts subject to our jurisdiction, are well affected towards the British Government; and we in consequence, have not thought it requisite to adopt any extraordinary measures for superintending their conduct.

Interrogatory XXVIII.—Par 32. We are of opinion that the conferring of titles and other marks of distinction by the British Government in India, would tend considerably to increase the attachment of its native subjects.

Interrogatory XXIX.—Par. 33. There are 124 roads in the 24 pergunnahs and districts adjacent to Calcutta. The principal ones are repaired at the expense of Government, and in the dry season are kept in tolerable good order. During the rains, however, with the exception of the Barrackpore, Balliagaut and Allipore roads, they are in many parts almost impassable. The inferior roads are repaired by the zemindars and other inhabitants.

Par. 34. Most of the bridges are greatly out of repair, and a number of new ones are requisite. The bunds also appear to require considerable repairs.

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Interrogatory XXX.—Par. 35. A number of the convicts at this station are employed in repairing some of the public roads in the vicinity of Calcutta, in digging a tank near the jail at Bassahpuglah, and in making bricks for the roads.

Par. 36. The number of guards requisite to superintend and watch the convicts thus employed, prevents our keeping so many of them to work as we could wish, and as the preservation of their health seems to require.

Par. 37. The construction of a house of correction in the vicinity of the jail, where all the convicts who are capable of work might be kept to constant labour, with a very small addition to the present establishment of guards, would remedy the evil noticed in the preceding paragraph, and appears to us to be a preferable mode of employing them.

Interrogatory XXXI.—Par. 38. In reply to this Interrogatory, we beg leave to submit the following Extract from the Judge of Circuit's letter to the Magistrates, under date the 9th of March 1802; "Your jail is in excellent order, and your prisoners well employed and are in good health."

Interrogatory XXXII.—Par. 39. From the general character of the zemindars, farmers, and other inhabitants of these districts, we do not think that it would be advisable to vest any of them with the powers of justices of the peace; on the contrary, we are of opinion, that such a measure, so far from being in any way beneficial to the police of the district, would be a source of great oppression to the lower class of the inhabitants, and of innumerable complaints to the magistrate.

Interrogatory XXXIII.—Par. 40. We submit with deference, to the consideration of Government, the following rules and regulations, as calculated, in our opinion, to amend the present system of police, and to check the commission of crimes in general.

Par. 41. First, to hold the zemindars in some degree as responsible for the conduct of persons in their employ, and others residing on their respective estates.

Par. 42. At present I have reason to believe, though it is difficult to establish proof against them, that the zemindars not only in many instances encourage and harbour dekoits, but frequently partake of the property plundered by them.

Par. 43. The choukeydars, and pykes employed by them, are concerned in almost every decoity committed in the districts subject to our jurisdiction; and we have no doubt, were the zemindars held in some degree responsible for the conduct of their choukeydars, and for that of others residing under their protection, that robberies and thefts would be much less frequent than at present.

Par. 44. With this view, therefore, we beg leave to recommend, that the zemindars be called upon to enter into muchalkas, and forfeit a certain sum of money in every instance where it shall be proved that they have entertained any person of a notorious bad character in their service, or allowed any such to reside on their respective estates.

Par. 45. Second, to authorize the magistrates, assisted by law officers, to try all criminal causes, and to punish all offenders convicted of crimes that are not of a capital nature.

Par. 46. To ensure the speedy administration of justice, and to render the magistrates more efficient in their respective jurisdictions, it appears to us particularly advisable, that they should have the power of trying offenders of all descriptions, and inflicting punishment, subject in capital cases only, or when the criminals are sentenced to be transported, to the confirmation of the Nizamut Adawlut.

Par. 47. The trouble, loss of time, and expense that attends a criminal prosecution on the present system is, in our opinion, a serious evil, and not only induces many who have been robbed to put up with the loss they sustain, rather than apply to the police officers for redress, but prevents numbers from coming forward with informations that would be highly beneficial to the community, and which we have no doubt would, in numberless instances, be preferred, were the administration of justice more prompt and speedy than at present.

Par. 48. We have now had charge of the Fouzdarry duties of the 24 pergunnahs and adjacent districts, for upwards of two years, and during that period only three jail deliveries have taken place; the consequence of this delay has been, that numbers of criminals of the most daring description, against whom when committed for trial there was the most full and complete evidence, have escaped, and been again let loose on society, owing to the death or illness of some of the principal witnesses, to their being kept collusively out of the way at the trial, or not being so correct in their evidence before the Court of Circuit as when the case was fresh in their memory before the magistrate.

Par. 49. The depredations of dekoits within this jurisdiction have been, during the last two years, in general confined to houses of the lower classes of natives, from whence they could expect little or no opposition, and the value of the property stolen has, in few instances, exceeded 30 or 40 rupees. A man, therefore, who has been robbed of property to that amount, and who resides probably at the distance of 20 or 30 miles from the magistrate's cutcherry, must in the first instance, after making his application to the police

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darogah, attend with his witness before the magistrate; further evidence may be requisite, and it is probably twelve or fourteen days before the investigation can be brought to a conclusion. The magistrate then, with the fullest conviction of the guilt of the prisoners, commits them for trial before the Court of Circuit, and at the expiration of six, or as it may be, two or three months, the prosecutor and his witnesses must again attend, and are probably again detained for some weeks before the trial comes on; after this long attendance, loss of time, and notwithstanding the allowance made to poor and indigent witnesses, and some expense to themselves, they have too often the mortification to see the prisoner, whose guilt was fully established before the magistrate, escape with impunity.

Par. 50. The prosecutor is also, in many instances, more indifferent as to the event of the trial when it comes forward than he was at the time of his appearance before the magistrate; threats have probably been conveyed, in a circuitous mode, both to himself and his witnesses; and they in consequence think it more politic, on their appearance before the Court of Circuit, to soften than to urge what they have stated before the magistrate. Persons who have families and property deem it extremely rash and dangerous to prosecute or appear as witnesses, against men of such desperate character as the dekoits of this country. Indeed, it is with the utmost difficulty that they can be prevailed upon to come forward, even in cases when they have received personal injury, and when they have not, to speak to the persons of the prisoners, but merely to identify the property found in their possession.

Par. 51. The evils which we have here noticed would, we conceive, be in great measure done away, the prosecutors and witnesses be induced to come forward with more alacrity, the ends of justice be more effectually answered, and a considerable saving arise to Government, if the magistrates were nominated Judges in the Fouzdarry, as well as in the Dewanny Department.

Par. 52. To enable the Judges thus nominated to act with energy and effect, they should, we conceive, be invested with the same powers as are now exercised by the Courts of Circuit. They should be assisted by law officers, and a monthly statement of their proceedings should be transmitted to the Nizamut Adawlut.

Par. 53. If so material an alteration as the one which we have now ventured to suggest in the judicial system, should not be deemed expedient or advisable, we submit, with deference to the consideration of Government, the necessity of increasing the powers which the magistrates are at present allowed to exercise, and of authorizing them, in addition to the corporal punishment which they are now allowed to inflict, to imprison offenders, according to the circumstances of the case, for a period not exceeding one year.

Par. 54. We further beg leave to submit to the consideration of Government, the expediency of placing the subordinate officers of police entirely under the controul of the magistrate; at present the police darogahs, aware that they cannot be dismissed from office without a representation to Government, consider themselves in some degree independent of their immediate superior, and many instances must occur where, though the magistrate has not what he conceives to be a charge of sufficient magnitude to prefer to Government, he still finds the darogah wholly incompetent to the duties committed to his charge. We beg leave, therefore, to recommend, that Clause 6, Reg. II, of 1793, be rescinded; and that the removal of the police darogahs be left to the discretion of the magistrate.

Par. 55. The reward of ten rupees for the apprehension of every dekoit, authorized by Section 18, Regulation XXII. of 1793, does not appear to us a sufficient recompence, for the hazard that must be run, and the expense that must frequently be incurred, in tracing out, apprehending, and prosecuting to conviction, offenders of so daring and dangerous a description.

Par. 56. We would therefore recommend, that instead of the reward authorized by the section above noticed, the magistrates be allowed, in all instances when any notorious robber or thief shall be apprehended and prosecuted to conviction, to confer a reward not exceeding one hundred rupees; that they be also authorized to confer rewards for the apprehension of offenders of an inferior description, suited to the circumstances of the case, and to the hazard that may have been run in apprehending them.

Par. 57. Third, To establish certain regulations for preventing the sale and purchase of stolen property.

Par. 58. The facility with which stolen articles of all descriptions are at present disposed of, encourages robbery and theft, and renders detection extremely difficult.

Par. 59. Itinerant purchasers of gold and silver ornaments, and brass and copper utensils, which generally form the greater part of the booty in a dekoity, are allowed to perambulate every district, and to purchase every article offered for sale, at half its value, without asking a single question, and without giving any notice whatsoever to the police officers.

Par. 60. These purchasers are in general in the employ of principal monied men at the metropolis, or the foreign settlements, and brass-beaters, who have considerable manufactories at Cutwa, and other places.

Par. 61. The gold and silver articles are either melted on the spot, or sent for that purpose to Calcutta, where the metal is refined, brought to the Government standard, and sold to the mint.

Par. 62. We have reason to believe, that several natives, apparently of great respectability, both in the Mofussil and in Calcutta, have made considerable sums of money by this nefarious traffic.

Par. 63. Brass and copper utensils are purchased in the same manner, taken to the manufactories, and melted down.

Par. 64. Besides the itinerant purchasers, numbers of sonars and brass-beaters are established in most parts of the different districts. These sonars and brass-beaters purchase indiscriminately from all descriptions of persons whatsoever, articles they offer for sale, and melt them down or deface them in such a manner as to render it impossible for the owners to recognize their property.

Par. 65. We are of opinion, that itinerant dealers should be prohibited from going about the country, that established sonars and brass-beaters should be put under certain restrictions, and that all persons purchasing for less than their real value, any articles that may afterwards prove to have been stolen, shall be prosecuted, not merely as receivers of stolen goods, but as accessaries to the robbery or theft, and punished accordingly.

Par. 66. Brass and copper utensils should be marked with the initials of the proprietor's name, or the name at full length, together with that of the village in which they reside.

Par. 67. This might be easily done at the time of purchase, by the brass-beaters, who should be subject to penalty if they sell any utensils, without marking them with the initials or name of the purchaser.

Par. 68. The established sonars and brass-beaters should be registered, and caused to make an entry of all articles brought to them to work up or melt down, with the head man of the village in which they reside, who should forward the same every week to the magistrate.

Par. 69. Persons in the habit of lending money on pledges, should also be obliged to make an entry of them, with the principal man of the village.

Par. 70. Fourth, to punish the commission of crimes in general, and those of dacoity and perjury in particular, with more severity.

Par. 71. The punishment by mutilation has been humanely abolished by the British Government, and that of imprisonment or transportation, substituted in its place. The former, unless attended with extreme hard labour, is considered by the natives of this country, as little or no punishment; the latter is, however, dreaded, and would be still more so, were it passed for a longer period, and more frequently than at present. It seems also expedient, that the convicts ordered for transportation, should be embarked immediately, or as soon as possible, after the confirmation of the sentence, for the place of their destination.

Par. 72. At present they are allowed to remain for years in the jail of the 24 pergunnahs, and some instances have occurred, where the periods for which they were transported, have expired during their confinement in the jail.

Par. 73. The sentences passed at the jail deliveries which have taken place in these districts, since they were entrusted to our charge, have seldom, even in instances of dacoity, exceeded seven years, and very few, considering the numbers tried, have been recommended for transportation. In several instances, where the facts have been so fully established before the magistrates, as to make them conclude that the punishment could not be less than that of transportation for life, so different have those facts appeared before the Court of Circuit, or in so different a light have the Court considered them, that the offenders have seldom been sentenced to more than five or six years imprisonment.

Par. 74. Punishments so inadequate to the crime of which the offenders are convicted, must, we conceive, and indeed it has in several instances come under our observation, considerably lessen that degree of awe with which persons brought before the Courts of Circuit ought to look up to their decisions. Several notorious dacoits now in the jail at Rassahpughlah, under sentences of four and seven years imprisonment, have ridiculed their punishment, and told the prosecutors to beware when they should be released.

Par. 75. Convinced, that unless some severe examples are made, no effectual check can be given to the commission of dacoities, we submit with deference to the consideration of Government, the expediency of sentencing to death the perpetrators of every dacoity, in which murder, wounding, or any cruel treatment whatsoever, shall have been inflicted on the persons whose houses may have been attacked, or others; and that in all instances when dacoity shall not have been attended with any of these circumstances, the perpetrators be transported for life.

Par. 76. The crime of perjury, with exception to the town of Calcutta, appears to have risen to an alarming height throughout the Company's territories, and to call most loudly for a much severer degree of punishment than the existing regulations direct.

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Par. 77. In addition therefore to the corporal punishment, public exposure, and godena inscription prescribed by Regulation 17, of 1797, we beg leave to recommend, that all offenders convicted of the crime of perjury, be transported for a period of not less than seven years.

Par. 78. Since the arrival of the Judges now presiding in the Supreme Court of Judicature, the crime of perjury, which was formerly as prevalent at the Presidency as it now is in the Mofussil, has, by the deservedly severe sentences passed by the Court on all offenders of this description, been almost effectually checked, and scarce an instance of perjury appears for some time past to have occurred in the Supreme Court.

Int^{y} XXXIV.—Par. 79. The operation of the last regulation respecting the tax on spirituous liquors, has, we think, been beneficial in the districts subject to our jurisdiction. We have reason to believe, that the vice of drunkenness is not so prevalent as formerly; and we are of opinion, that it would be less so, if the tax were levied in its fullest extent throughout the twenty-four pergunnahs and districts adjacent to Calcutta.

Int^{y} XXXV.—Par. 80. We are not at present aware of any measures beyond those which we have already suggested, that would particularly conduce towards the improvement of the moral character of the inhabitants of our jurisdiction.

Int^{y} XXXVI.—Par. 81. We are unable to speak as to the effect of the Regulation which declares persons convicted of the crime of perjury liable to be marked on the forehead, no instances having yet come under our observation in which the mark has been inscribed.

Int^{y} XXXVII.—Par. 82. We are of opinion, that the punishment of transportation has been attended with good effect, and that it would be still more beneficial to the police of the country, if the sentence was passed more frequently, and the convicts embarked immediately, or soon as possible after its confirmation, for their place of destination.

Int^{y} XXXVIII.—Par. 83. We have stated our opinion on the subjects noticed in this Interrogatory, in the 5th, 71st, and 73d, preceding paragraphs.

Int^{y} XXXIX.—Par. 84. The general conduct of the Europeans, not in the service of the Company, who reside within our jurisdiction, is correct; and very few instances have occurred of any complaint whatsoever having been preferred against them.

Int^{y} XL.—Par. 85. We believe the weavers, and other manufacturers in our jurisdiction, to be well satisfied with their condition, and that the existing laws and regulations are well calculated both for ensuring justice to them, and for obtaining the punctual performance of their engagements with the officers of the Company, and the individual European merchants.

Cha. F. Martyn, W. C. Blaquiere, A. Macklew, Ed. Thornton,
Magistrates.

Zillah, 24 Pergunnahs, &c.
Fouzdary Adawlut, the 1st July 1802.

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Answers by the JUDGES.

Dacca Division.

ANSWERS to the Interrogatories respecting the State of the Country, &c.;—received from the Magistrates of the Division;—viz.

Court of Appeal and Circuit - - -	9 June - -	1802.
City of Dacca - - - - -	9 & 21 Dec.	1801.
Zillah Backergunge - - - -	7 January -	1802.
D° - Tipperah - - - - -	23 April - -	D°
D° - Sylhet - - - - -	1 May - -	D°
D° - Momensing - - - -	29 January -	D°
D° - Chittagong - - - -	27 March -	D°
D° - Dacca Jelalpore - - -	28 July - -	D°

To His Excellency the Most Noble MARQUIS WELLESLEY, K. P. Governor General, &c. &c. &c.

My Lord,

CONFORMABLY to the orders of the Honourable the Vice President in Council, of the 3d December last, we beg leave to transmit to your Excellency, a copy of our Answers to certain Interrogatories, regarding the internal state of the country; the original of which we have this day forwarded to the Secretary to the Government in the Judicial Department.

We have the honour to be, with the highest respect, My Lord,

Your Excellency's most obedient and most humble servants,

Shearman Bird, senior judge.
B. Crisp, - - 2d judge.
John Fendall, - 3d judge.
James Graham, - 4th judge.

Dacca,
9th June 1802.

INTERROGATORIES:—1. What is the number of Appeals depending before your Court?

ANSWERS:—1. The number of causes depending on the 1st of January 1802, was five hundred and sixty-eight.

2. What proportion does the number of Appeals now depending before your Court, bear to the number usually depending during the several years commencing from the year 1793 to the present period?

2. The following statement will show the proportion of causes depending each year, from June 1794, when the first Petitions of Appeal were filed:—On the 1st January 1795, there were depending 68 causes;—on the 1st January 1796, 238;—1st January 1797, 358;—1st January 1798, 460;—1st January 1799, 512; 1st January 1800, 601;—1st January 1801, 625;—1st January 1802, 568.

3. What number of causes was decided in the past year by your Court?

3. One hundred and fifty-five causes were decided by our Court in the past year.

4. What number of causes do you suppose must necessarily be depending before your Court; and what is the reason that the number of causes depending before your tribunal, is not reduced as low as you think it might be reduced?

4. The Court now consisting of four members, we see no reason why our arrear of causes should not be so reduced in time as to leave none depending, but such as are instituted within the current year; the average of which, we imagine, will not exceed fifty. The reason that the number of causes depending before our tribunal is not reduced as low as it might have been, are the length of the circuits, the troublesome nature of the trials at some of the stations, and the indisposition of Judges; all which circumstances have concurred to prevent the Court of Appeals from sitting so frequently as it otherwise might have done.

5. Are you prepared to suggest the establishment of any rules which (consistently with the due administration of the laws) would expedite the decision of suits? Are you of opinion that the object would be in any degree promoted by leaving it optional to the different tribunals to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing or not, as the Judges might think proper?

5. We shall suggest such rules as appear to us advisable on this subject, in our answer to Interrogatory the 12th; with regard however to the proposition of leaving it optional with the different tribunals to commit the depositions of witnesses to writing or not, in causes not appealable to a higher Court, it may be observed that causes of this description bear a very small proportion indeed to the number of those that are appealable, and that therefore the relief in expediting decisions would hardly be felt by the Courts, were the measure to be

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adopted. Even if this were not the case, we should hesitate to recommend the practice, as the present mode of taking down the depositions of witnesses in writing, must operate, as we conceive, as some check to perjury; the record of the evidence furnishes a means of detecting persons guilty of this offence, and if witnesses knew that their declarations were not to be committed to writing, they would be less deterred from perjury themselves than they now are.

6. Are you of opinion that it would be advisable to extend the jurisdiction of the Native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding 200 rupees? What is the amount to which you would recommend the Courts of the Commissioners and of the Registers should be extended; and to what degree would the general administration of justice, in the division subject to your jurisdiction, be expedited, by the adoption of this arrangement?

6. We should by no means recommend the general extension of the jurisdiction of the Native Commissioners; yet as there are no doubt among them some men of ability and integrity, it may be left to the discretion of the Zilla Judges to point out such persons; and we think that their jurisdictions in the capacity of Referees only, might be extended to suits for 200 rupees, for money and personal property; the Zilla Judge might in the first instance recommend such persons as he should deem fit for the trust, for the approval of the provincial Court of Appeal, stating the general character, the qualifications, and situation in life of each person so recommended; and that Court, after due enquiry, if satisfied with the nomination of the Zilla Judge, might send it up to the Sudder Dewanny Adawlut. If the Provincial Court should see any cause to disapprove of the nomination of the Zilla Judge, they might state these objections to him, leaving it at his option either to withdraw the nomination, or to send it up through the Court of Appeal, with their remarks, for the decision of the Sudder Dewanny Adawlut.

Supposing that by the adoption of the measure above proposed, a considerable portion of the causes now pending before the Registers may be transferred for the decision of the Referees, the jurisdiction of the Registers may be extended to suits of 500 rupees, with a probability of the general administration of justice being greatly expedited by it. We also think that all decisions of Zilla Judges in matters of personal property up to 500 rupees, should be final, whether tried by them in the first instance, or in appeal from the decisions of the Registers. As the Regulations on this subject stand at present, it appears to us that the final jurisdiction of the Judge, in matters tried originally by him, is in no degree greater than that of the Register. Indeed if the Register decrees 200 rupees in favour of A, and the Judge reverses the decree, this last decision, though there is one judgment against another, is final. But if the Judge had passed the decision against A, in the first instance, though his judgment stands unopposed by any other, it is not final. But the following statement of the causes for money and personal property depending before the Judges and Registers of this division, on the 30th of June last, will enable the most noble the Governor General in Council to form an accurate judgment of the expediency of approving or rejecting what we have here proposed; on a calculation made from the half-yearly reports transmitted to us, it appears that on the 30th of June 1801, there were depending before the Judges, causes for above 500 rupees, 448;—for 500 rupees and under, 1,208;—before the Registers, for 200 rupees and under, 3,603.

7. Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of law-suits to be too considerable, or otherwise?

7. We think it has; at the same time we are far from being of opinion that the charges attending the institution of suits, are by any means too high.

8. Do the fees paid to the licensed vakeels on suits instituted or defended by them, constitute a sufficient inducement to men of character, and of proper qualifications, to undertake those situations? Are the vakeels attached to your Court persons of the above description; and are they in general well acquainted with the printed Regulations?

8. The fees of the licensed vakeels appear to us to hold out an ample inducement for men of character and ability, (without which, of course their gains must be very trifling) to seek for the situation. Most of the vakeels attached to our Court, are men of this description, and are well acquainted with such of the printed Regulations as relate to their immediate duties, or contain information necessary for them to possess as pleaders. There are, however, some few persons among them of whom we have not a good opinion, though nothing has as yet been proved against their characters to sanction their removal. The conduct of these persons is of course rigidly watched by us.

9. Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Courts, the merits of the suits instituted?

9. We are of opinion it has in some degree, but not to the extent that might have been expected, owing to the want of confidence on the part of the principals in the suits entrusted to them, who, with some few exceptions, have their pleadings drawn by private agents or attorneys employed by them, and merely make the licensed vakeels the channel for delivering them.

10. Do the vakeels in general discharge their duty to their clients with honour and fidelity?

10. Having seldom heard of any complaint to the contrary, we conclude they do.

11. Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

11. We believe they are; generally speaking, however, their knowledge of the Regulations of Government is very confined; nor do we think that sufficient means are taken for enabling the natives to inform themselves of those Regulations. The numbers of the printed copies that are circulated to the several Courts and Public Offices, are distributed amongst a very small portion of individuals; neither are even those that are thus circulated, (we think, particularly of the Persian and Bengal counterparts,) always preserved with the care they ought to be, so as to form complete sets. It has also sometimes happened, that due and timely publicity has not been given to the Regulations materially affecting the interests of individuals, by their being enforced, immediately on their being published in English, before translations of them have been made or promulgated in the country languages. This has been particularly the case with Regulations X and XI of 1801, and we apprehend that many frauds and impositions have been committed in consequence; to prevent which, as well as the general ill consequences of ignorance on the part of the people of the country, in regard to the extent and meaning of such new laws in future, we beg leave to suggest that all regulations for imposing or levying any tax, or any duty on commerce, or in any way affecting the rights and tenures of the proprietors and cultivators of the soil, be hereafter accompanied in their promulgation with a translate in some one of the languages of the country; and that the letter transmitting such a regulation to the Judges and Magistrates of the several stations, direct them, on receipt thereof, to cause the translation of it, (either a printed copy or a written one duly attested,) to be published by beat of drum at all the principal towns and places within their respective jurisdictions, with an advertisement informing the inhabitants, that any person desirous of obtaining a copy of that or any other of the Regulations of Government, will at all times be permitted to take such copy in writing from the books of printed Regulations deposited at the Sudder Cutcherry of the city or zilla, on application either to the Judge and Magistrate, or to the Register, or any of the ministerial officers of the Court, being covenanted servants of the Company.

12. Are you prepared to state any alterations in the forms established for the trial of civil suits, which would expedite the decision of the suits, without endangering the due administration of the laws?

12. We are of opinion, that if the depositions of witnesses were to be taken down in writing before sworn examiners, on written interrogatories, in the presence of the parties, or of persons duly authorized by them, so as to save the Judges and Registers the time now occupied in such examinations, it would be the means of considerably expediting the decision of suits; and we see no reason to apprehend that the due administration of the laws would be in anyway endangered by such a measure; a rigid adherence to the rules already prescribed in sections 3 and 5 of Regulation IV. of 1793, is also extremely necessary, to prevent the decision of suits being retarded, either by delays in the filing, or by the introduction of irrelevant or impertinent matter in the pleadings in law-suits. We add this suggestion from having had occasion to observe a want of strict attention to these rules, particularly in regard to replications and rejoinders, which, instead of being simple admissions or denials of the truth of the facts stated in the plaints and answers, not only repeat the whole of the substance of such plaints and answers, but contain a variety of new argument, and often matter foreign to the subject at issue.

13. Have you in your Court-room any place allotted for the Bench of the Judges, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms and ceremonies do you observe in opening your Court or sitting in it?

13. Our Court is held in a spacious upper room of the house rented by Government for this purpose alone, and we have a high raised bench for the Judges, with boxes on each side for our Sirishtadar and law officers; and on the floor fronting our bench, is a table with seats round it for the licensed vakeels and parties. The room is equally divided by a rail, the further space being free to all persons who attend either from business or from motives of curiosity. The arrangement on the whole (but that there are no boxes for witnesses) resembles in some degree that of the Court-room of the Supreme Court of Judicature in Calcutta. No particular forms or ceremonies are observed in opening our Court; we always enter preceded by the Nazir and his peons, and also by our silver-stick bearers; the latter, though not allowed by Government, possibly from its not being suggested, we think it necessary to put ourselves to the expense of, in conformity to the custom long established in the country. On our entrance into Court we are received by our native officers and the vakeels, and after we have taken our seats the business is brought on, each suit and matter in its regular order, as far as is consistent with its state of preparation and with the rules for taking up revenue and other causes of their regular numbers.

14. Are there any private schools or seminaries in the division under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are these institutions maintained?

14. There are numerous Hindoo schools, in which are taught the rudiments of the Bengal language, with the principles, or rather forms, of their religion and law. As far as we have been able to learn, they are supported by private endowments, chiefly granted by the zemindars. The Mahomedan seminaries are very few in number, and maintained in the same way; but the children of the higher ranks are usually educated in their own families.

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15. What is your opinion regarding the general moral character of the inhabitants of your Division? Has the moral character of the inhabitants in general improved, or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

15. We are concerned to say that the moral character of the bulk of the natives in this part of the country, is at a very low ebb. They have gained much in knowledge from their intercourse with Europeans, and from their observation of our systems of Government. But far from improving in their moral character, they appear to have become, if possible, more mischievous in their vices than they were before. Indeed we have reason to believe that the inculcating of moral precepts forms no part of the education of the rising generation.

16. Are you of opinion that the inhabitants in general of the Division under your jurisdiction, consider their private rights and property to be secured by the present constitution of the country, against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

16. Against infringement, either by the executive officers of Government or by individuals, they certainly do; but we do not imagine that they have yet formed so accurate an idea of, much less a confidence in, the limitations imposed by the supreme executive power on its own acts, as to consider themselves entirely secure from infringement of their private rights and property by that high authority. Their confidence even on this point may soon however be expected to be carried to the greatest extent. We are assured that till some time after the Decennial Settlement had expired, the idea of its not undergoing revisal or alteration, was decided even by the most intelligent of the zemindars of this division. Their opinions on the subject have now begun to change; and as the proprietors of landed estates go on gaining confidence, they will no doubt, more than they have done, turn their minds to the improvement of their situations, not solely with regard to cultivation, but also in points of general conveniency.

17. Are you of opinion that the Division under your jurisdiction, is in a state of improvement or otherwise, with respect to its population, cultivation and commerce, and its buildings or other works of religious, domestic or other purposes; and on what grounds do you form your opinion?

17. With respect to cultivation, buildings and reservoirs, the Division, within the last ten years, has very greatly altered for the better, and appears to be at this time in a rapid state of progressive improvement: we form this opinion chiefly from the observations of our second Judge on his circuits. Tracts of country, formerly overgrown with underwood and high grass, the haunts of beasts of prey, now cleared away, present scenes of scattered villages and cultivated fields; Hindoo temples and obelisks have also risen up in many parts, and we have reason to believe that domestic buildings have no less increased, though from their concealed situations they do not so often strike the notice of the traveller.

Respecting the city of Dacca, we must observe, that it has had more than one period of decay. During the reign of the Emperor Aulumgeer, its splendour was at the height; and judging from the magnificence of many of the ruins, both in the heart of the present city and its environs, such as bridges, brick causeways, mosques, serais gates, palaces, and gardens, most of them, least those in the environs, now overgrown with wood, it must have vied in extent and riches with any of the great cities we know of in Bengal, not perhaps excepting Gour. During the troubles and distractions which followed the invasion of the Mogul Empire by Nadir Shaw, it appears to have first declined; and that it did not meet with the fate of Gour, may perhaps be attributed partly to the salubrity, and partly to the peculiar commercial advantages of its situation. In this decayed state, with little variation, it seems to have remained until the establishment of the provincial councils under our Government in 1774; when, from its becoming the centre of the administration of justice, the place for the receipt of the public revenue, and consequently of the resort and residence of the principal inhabitants and zemindars of the division, it again exhibited an appearance of magnificence and opulence in the repaired stated of some of the ancient buildings, and in the erection of new ones for their dwellings; but above all, in the style of grandeur and parade in which some of them lived. From this state it fell off, on the abolition of the council and the appointment of Judges and Collectors in the several zillas, which of course rendered the city residence of the landholders no longer convenient or necessary, and induced them (very beneficially we believe for the country at large) to live on their estates. Since that period the city has regained nothing of its former grandeur in respect to the domestic buildings or style of living of its Indian inhabitants; but we are confident in our assertion, that in the mercantile, middling and industrious classes, its population is considerably increased, and the limits of the inhabited part of the city have by that increase become much extended within our knowledge since the first establishment of this Court; an improvement which, in our opinions, may with great justice be ascribed not only to the advantages of its commercial situation, before noticed, but also to the comparatively excellent superintendence of its police; we must add too, that the houses of the European inhabitants (most of them the property of natives) have increased in number and improved in their construction within the last five years.

With respect to the commerce of this division, it has from various causes been for some time past in a declining state. The fine muslins of Dacca have been famous throughout the world; the sale of them in the Europe market was certain, and the demand for them extensive; but within these few years the quantity brought for sale bears a very small proportion to

that

that which formerly used to be purchased at these Aurungs. This decline is easily accounted for, as far as regards the very finest kinds of muslin, the manufacture of them having long since been ruined by a total stagnation in the demand for them in the upper parts of Hindostan, in consequence of the fall of the Imperial Government, until which period these delicate and beautiful fabrics were held in such estimation, not only at the court of the Emperor, but amongst all the higher orders of the nobility of India, as to render it a matter of difficulty to supply the demand for them. We must look however to a variety of other and more recent events for that general decline in the muslin trade of this division, to which we particularly allude; perhaps it may be in some measure attributable to the high degree of perfection to which this branch of manufactures has lately been brought in Great Britain; but above all, we apprehend that the decrease of the honourable Company's investment, a decrease severely felt by the manufacturers, and the rise in the price of cotton (from three rupees to eight rupees per maund) from the failure of the crops for the last two years, have most materially contributed to injure this branch of commerce; and, on the whole, we are of opinion, that in a want of vent for this as well as other articles of export, (its prime source of riches) this division has essentially suffered by the long continuance of the war; and that the complete revival of its trade and manufactures can only be looked for in the lapse of years of uninterrupted peace.

18. Are you of opinion that the inhabitants of the division subject to your jurisdiction are in general satisfied with the British Government?

18. The bulk of the people we firmly believe to be perfectly satisfied with the British Government, and strange indeed would it be if they were not so. What period of their history can show such pains taken for their security, in person, religion and property; and above all, what period of their history can show them a series of six-and-thirty years of perfect peace and internal tranquillity? The only apprehension to be entertained is, that in this long period of domestic quiet, they may have forgotten their former condition, when scarce a year could pass over without their being disturbed with the rumour, or terrified with the din of warfare.

19. Is the present system of the Police well calculated to ensure the apprehension of offenders?

19. We think the system is, but there are defects in its administration which operate to prevent its ensuring, in so great a degree as it probably otherwise would do, the apprehension of offenders; sufficient means of intelligence are not resorted to, and there is a publicity in the proceedings of the Magistrates which frequently, we believe, gives offenders opportunity of learning, through their emissaries, the measures that are pursued against them. We beg leave to refer to the Reports made by this Court to the committee that was appointed to investigate into the state of the police (Appendix, Nos. 1 and 2) for various useful, as we think, suggestions on this subject.

20. Are the Police Establishments, in the division subject to your jurisdiction, adequate to the duties required of them?

20. The Police Establishment of this division, we are of opinion, requires revisal. Some of the jurisdictions are by much too extensive, and the police officers stationed in them are consequently not adequate to the duties required of them.

21. Are you of opinion that the number of crimes committed annually in the division under your jurisdiction, has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

21. Excepting perjuries, we think the number of crimes committed has decreased since 1793, owing, we are persuaded, to the operation of the system of police and mode of administering criminal justice introduced in 1791, but confirmed in that year; for whatever be the defects in either of them, they have together rendered detection and punishment infinitely more certain than they were prior to the period of their institution.

22. What crimes of enormity are most prevalent in the district under your authority; what is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

22. Gang-robbery, often aggravated by cruelty, and sometimes by murder, though not carried near to the height it was ten years ago, seems still to be the crime most prevalent in this division; and perjury, morally speaking, as well as its consequences, a crime of deep enormity, is also, we are concerned to say, but too common.

It is alleged that the opulent landholders in this division formerly retained great numbers of armed men, not only for the purpose of repelling the attacks of their hostile neighbours, but also to enforce payment of the rents of their estates from their under-farmers and tenants; and that when the services of these armed bands became no longer necessary, from the increased security and protection which the laws afforded to persons of all descriptions under the British Government, they were paid off: many of them from the upper provinces, as well as natives of Bengal, pressed by want on one hand, and allured by the hope of plunder on the other, as well as impelled by habits natural to their former course of life (a life of violence, plunder, and oppression) betook themselves to robbery; by which, and by occasionally hiring themselves to the zemindars, to fight their battles for disputed crops and boundaries, they obtained a precarious maintenance. Adverting to this state of things, at a period not long antecedent to the year 1793, it is no matter of astonishment to us that this terrible crime against the peace of society, called "Decoity," or Gang Robbery, should have gained the head it once had done, or that having gained that head, it should still, though greatly lessened, remain to be subdued.

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It is in our knowledge that whole families have practised robbery from one generation to another; and so depraved and regardless are they of the most common distinctions between good and evil, that they do not even consider robbery as a crime. As some proof of what has been said of their origin, the common cant word of command among them at the present day, when extorting a discovery of hidden property by the application of a species of torture called the "Lant-chungee," is "Tuhsulkarro;" alluding, as we are assured, to the cruel mode in which the land-rents used to be collected, or rather wrung, from the tenants of all descriptions, under the distracted government of the latter soubas. That they are still so formidable, however, is probably in a great measure owing to their gangs being generally furnished with leaders, who succeed each other as the officers of a regular corps, in cases of death, sickness, or confinement; and that being Predestinarians from their births, they seldom, if ever, reflect on the consequences likely to overtake them in their hazardous career: they moreover to the last entertain hopes of escaping punishment, either by flying to the creeks, woods, grass coverts, or islands, so singularly well adapted for their concealment, with which this division abounds; or if apprehended, by not having sufficient evidence brought against them to convict them before a Court of Justice. In fine, to a concurrence of the above causes, the existing frequency of gang-robbery, and to the total want of moral principle amongst the native inhabitants of the country, the frequency of perjury, we conceive, must be attributed.

For the suppression of the first of these crimes, we are of opinion it will be expedient to enlarge the powers of the magistrates, to increase the number, pay, and responsibility of the police darogas, and to take away from the latter the power of interfering in petty disputes, so as not only to obviate the evils that have long been complained of, arising from the perversion of that power to the purposes of extortion and oppression, but to enable them to give additional time and attention to their more important duty of seeking after and apprehending robbers. We would further recommend, that landholders and farmers of all descriptions should be required to give the magistrates information of all robberies committed, and of all notorious robbers harbouring or residing, within their respective limits, under pain of severe penalties. Their knowledge in both these points, provided they have the management of their lands, should be, in the first instance, presumed, and the proof to the contrary, towards a remission of the penalty, should invariably lay on themselves.

We cannot here avoid remarking, that the provisions contained in Regulation VI. of 1796, for conditionally admitting accessaries to be witnesses against principals in crimes of a heinous nature, already affords one considerable means to the Magistrate towards dissolving the larger gangs of Decoits; by spreading amongst them a distrust of each other, and at all events by the great object which may be, and has sometimes been gained by it, of convicting their leaders. We do not think sufficient use has been made of this Regulation, nor will it be of full avail, so long as prisoners sent in from the thanas are kept together, or are suffered to mix with convicts before examination. It is in vain for the Courts of Circuit to attempt to draw the truth from prisoners on trial, under any offer of endeavouring to procure pardons for them, after they have once denied their knowledge of the fact charged against them before the Magistrate, and have become fixed and hardened in that denial by the daily lessons or threats of Sidars, who have a strong and long established influence over them. Some written injunctions to the Magistrates, calculated to draw their particular attention to this Regulation, seems to us to be necessary; and if issued through the Court of Nizamut Adawlut, would doubtless have the desired effect.

With respect to the crime of perjury, a crime so atrocious, that to use the words of that great and lamented character Sir William Jones, "human nature, in which a sense of religion seems inherent, starts at the name of it;" we hardly know what to recommend with much hope of success, whilst the morals and religion of the natives of this country remain in their present corrupt state. Alteration in the forms of swearing witnesses, so as to render them more solemn, would take up time, which in the present state of business in the Courts of Justice, could ill be spared, without an evident probability of advantage from it; and we really do not see any. It only remains then to try what an increase in the severity of the punishment will do, and (independent of the stigma of the godena in particularly atrocious cases) persons convicted of perjury should, we are of opinion, be declared punishable with imprisonment for such a term of years as to render them liable to transportation. We also recommend, that prosecutors or witnesses perjuring themselves before the Courts of Circuit, be immediately committed and brought to trial whilst the Court is sitting, instead of being left for an ensuing sessions; and at the same time, as nothing can tend more to encourage perjury than the acquittal of persons charged with that crime, the magistrates should be cautioned never to commit a man on this charge, unless the circumstances, or evidence to prove it, are such as will render it highly probable that the trial will end in his conviction and punishment.

23. Do the inhabitants of the division under your jurisdiction, keep arms in their houses? What description of arms do they retain, and for what purposes are the arms retained?

23. We seldom observe that the peasantry of the country (unless they are robbers, or persons of bad character) have any arms in their houses, excepting bamboo sticks and clubs: these they retain for defence within-doors against thieves; and when they go out to their fields, against the attacks of wild animals, particularly the boar, which abounds even through the cultivated parts of this division. They also but too often make use of

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them in settling their disputes regarding crops or land boundaries. For similar purposes, good and bad, the higher and middling ranks of inhabitants, however, are accustomed to keep in their houses a variety of weapons of a more deadly nature than sticks, such as swords and bamboo spears, and sometimes matchlocks.

24. Are there any brick or mud forts in your division? In what state are the forts, and what is the nature of their construction?

24. There are many brick forts in this division: all of them that we have seen are in a state of ruin, and the cannon formerly mounted on them, are all decayed and unserviceable. The accompanying plan (Appendix No. 3.) of one of these forts, situated on the banks of the Luckea River, and which is in a better state than any of the others that we know of, will serve to show the general construction of them. There are also some small forts in the Silhet District, which we understand were built, and are garrisoned and kept in repair at the expense of Government. These are of course under charge of the Magistrate.

25. What proportion do the Hindoo bear to the Mahomedan inhabitants, in the division subject to your authority; and what do you suppose to be the number of the inhabitants of your division, of all descriptions?

25. By the reports of the Magistrates, the proportion of the Hindoos to Mahomedans is as follows; viz.

Zillas.	Hindoos		to Mahomedans.
Mymensing	5		3
Sylhet	2		3
Tippera	1		2
Chittagong	6		10
Backergunge	10		6
Jelalpore	10		6
City of Dacca	130		145

The grounds on which the Magistrates have given these estimates, we are not acquainted with, nor have we any certain information to go by, in forming our judgment. The calendars laid before the Court of Circuit at the jail deliveries, will be found, generally speaking, to contain more Mahomedans than Hindoos, and the suitors in appeal will be the reverse. As far as our own observation goes, we are of opinion, that upon the general scale, the proportion of Hindoos, in the Reports from the Magistrates, is too low, and the Mahomedans too high; we think that the proportion of Hindoos to Mahomedans may be as six to four in favour of the former. At the same time we offer this opinion with great diffidence, as we have no certain data to guide us.

We have been credibly informed, that the population of Midnapore has been ascertained by enumeration to be about one million and a half, and from Mr. Rennel's map, we find, that including annexations from Burdwan and Wooghly, that zilla contains about seven thousand three hundred square miles: from the same authority we compute that the Dacca Division under our jurisdiction, contains twenty-three thousand five hundred square miles; having taken the population of Midnapore therefore as the basis of a calculation, we find the result to be as in the following table:

Zillas.	Square miles.		Inhabitants.
Sylhet, containing	2,861	should have	580,953
Chittagong	3,375		685,325
Mymensing	6,700		1,360,498
Tippera	2,600		527,954
Backergunge	4,564		926,703
Jelalpore	3,400		690,402
Add the city of Dacca, as per Magistrate's Report			200,000
Total square miles	23,500.	Total inhabitants	4,971,895.

From the Reports of the Magistrates of the several zillas, it appears that the population of the division, exclusive of Backergunge (for which no estimate has been made) amounts to five millions five hundred and twenty-eight thousand persons: the Magistrate of Mymensing alone has stated the mode in which he has made his calculation, and the result appears to us to be much too high. The Magistrate of Zilla Chittagong has also, in our opinion, erred on the same side. Allowing this division however to be rather more populous for its extent than Midnapore, we think the inhabitants may fairly be reckoned at five millions of souls.

By Mr. Rennel's calculation, the whole of Bengal contains 97,244 square miles. If from this we deduct for independent Tippera, the woods called the Sunderbunds, and other wastes, 13,244 square miles, the remaining inhabited country will be found to contain 84,000.

Mr. Rennel also makes Bahar to contain 51,973 square miles, from which 11,973 may be deducted for the wood-lands and uninhabited mountainous tracts in Rotas, Boujepore, Gya, and Sheregotty, and the remainder will be 40,000 square miles of inhabited country.

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Assuming the population of the Dacca Province to be 5,000,000, we shall have for the population of Bengal - - - - - - - - - - - 17,870,000
And of Bahar - - - - - - - - - - - 8,510,000

Total - - - - 26,380,000

* Now Lord Clive so long ago as the year 1772, estimated the inhabitants of the British provinces at twenty millions; and Sir William Jones, twenty years afterwards, in his preface to the Serajea, reckoned them at upwards of twenty-four millions for Bengal and Bahar. We are ignorant on what basis Sir William formed his computation, but from his high abilities and indefatigable spirit of research, there is great reason to believe it to be correct. The population, from the general progressive improvement which has taken place during the last ten years, may reasonably be supposed to have greatly increased; and therefore when we estimate the number of the inhabitants of the present Dacca Division at five millions, we are perhaps as near the truth as the nature of the question will admit of, without an actual enumeration.

26. What are the names of the persons possessing the highest rank and the greatest opulence in the division subject to your jurisdiction; what number of followers, armed or otherwise, are they suposed to maintain in their service; and do they appear abroad with such followers armed?

26. The persons possessing the highest rank and greatest opulence in this division are as far as we have been able to ascertain, as follows;

City of Dacca.—Nawaub Nussurut Jung,—Meer Mahomed Ally,—Meer Mahumed Hafiz,—Meer Fuzil Ally,—Mirza Bolah,—Kauem Ally Khan,—Roshun Ally Khan,—Mirza Assud-ulla,—Mahomedy,—Ramkishen,—Perbhooram,—Persooram.

The Nawaub Nussurut Jung is supposed to retain about four hundred persons in his service. When paying visits of ceremony he is attended by six troopers, six spearmen and forty persons of different descriptions unarmed; he has also an honorary guard of Sebundy sepoys, furnished by the Magistrate of the city. The other Mahomedans are descended from families of high rank, and though by no means in affluence, are respected. From their confined circumstances, their followers are few, and they never appear in public with them armed. The three Hindoos last mentioned in the list, are joint proprietors of the Cudwa Pergunnah, situated in the Tipperah District: they almost constantly reside at Dacca, and when they appear abroad are attended by eight or ten men unarmed.

The names of the persons of the greatest opulence in the city, are as follows;

Mirza Mahomed,—Molary Birkut ulla,—Mirza Buddy,—Meer Ashuff Ally,—Mirza Jaffer,—Mirza Kurreem ulla Beig,—Toolsyram Ghose,—Kishen Chund,—Rajeblochun,—Hurry Kishen,—Anoop Chund Lehary,—Nurnaram Ghose,—Laila Ram Buxsh,—Lalla Dull Sing,—Lalla Narrain Sing,—Boodoh Sahoo.

The Mahomedans in this list, with the exception of Mirza Jaffer, live upon their private fortunes, either acquired or descending to them from their ancestors. They are supposed to retain about twenty or thirty followers each; but as far as our observation goes, appear with only three or four unarmed peons in their suit, and are not generally much respected. Mirza Jaffer is a very respectable merchant, and retains no followers for state.

The four first Hindoos in this list are either in service or possess landed estates, and are all men of opulence. Their followers are apparently few, and when they appear abroad are unarmed. The six last are respectable bankers and merchants, and they have a few armed peons in their service, more for the purpose of escorting treasure and merchandize than for state; but they never appear with them armed.

Mymensing.—Raja Raje Sing is the proprietor of the 14 annas share of the Pergunnah Susung: he almost constantly resides near the Susung Hills, and these, as we understand, keeps in his service from seventy-five to one hundred matchlock men and armed peons; when paying visits of ceremony he is generally attended by his head officers in palankeens or on horseback, and about twenty or twenty-five matchlock men. He is a very respectable man, and we understand possesses a small independent territory beyond the hills.

Bobindernarrain, the purchaser of Pergunna Pohareah, seldom if ever resides within the Mymensing District: he is also the proprietor of the 5½ annas shares of the Pergunnah Lushkerpore, under the Division of Moorshedabad: what number of armed followers he retains in his service, we have not been able to ascertain, as he lives at Pooteah on his Lushkerpore estate; Mahomed Gowse, zemindar of Curecky; Shamchund Chowdry, D° of part of Mymensing and Zeinshatree.

Narrainy Debea, D° - - D°

Pertaubharrain Choudry, D° of part of Pergunnah Sharepore.

Birjnant, Govind Pershaud, and Ramakaunt,—joint proprietors of the 7 annas share of Pergunnah Sharepore.

Rajehunder Chowdry,—Proprietor of part of Sharepore.

Gunga Debea, Bimolla Debea,—Proprietors of 8 annas share of Pergunnah Alepsing.

Herenaut, Kishen Caunt,—Proprietors of the 4 annas share of Pergunnah Alepsing.

Ram Acharje, Sham Acharje, Brykishore Acharje, Nubkishore Acharje,—Proprietors of the 4 annas share of Pergunnah Alepsin, and the 5 annas of Nusserrojeaul.

Khauja Arratoon, an Armenian, and proprietor of the Pergunnah Hossein Shahy, but resides in the city of Dacca.

The above-mentioned landholders are supposed to retain from seventy to eighty matchlock men in their service; but seldom appear, as we understand, with more than five or six armed peons or matchlock men in their suit. The most opulent are, we believe, Khauja

* Arratoon

Arratoon and Bobindernarrain. The former resides in the city of Dacca, and we have never observed more than two attendants with his palankeen, and those unarmed.

Zillah Tipperah.—The persons of the highest rank and greatest opulence in this district, are Maharaja Rajedhur Manick, the zemindar of Tipperah; Rajas Ramkishen, Perhboo Ram, and Persooram, the zemindars of Pergunnah Cudwa; and Rajkishen, the zemindar of Gunga Mundul.

The former, although independent sovereign of an extensive territory beyond the hills, resides principally at the town of Comilla; at which place we do not imagine his followers exceed forty in number. When he goes abroad on visits of ceremony, he is generally attended by a few armed peons and burcundosses. He is much given to intoxication, and through weakness and mismanagement, is involved in his circumstances.

The zemindars of Cudwa, we have before noticed, are residents of the city of Dacca; and Rajekishen, the zemindar of Gunga Mundel, being an inhabitant of Calcutta, we have no means of judging what numbers of armed followers he retains in his service.

Zillah Chittagong.—The Magistrate has reported to us that there are not any persons of rank or opulence in this zillah, nor do we know of there being any.

Zillah Bakergunge.—The only person of rank in this zillah is, we understand, Rajah Joynarrain, commonly called Doorgakournarrain, and he is reduced to poverty by inattention or mismanagement: all his lands, which we believe to be profitable, having been sold in satisfaction of arrears of revenue, and he himself now confined in gaol. The most opulent persons in the zillah we believe to be a Greek named Panistty Alexander, who has purchased part of the lands above mentioned; and Dulsing, another purchaser of a part of the said lands, who resides at Dacca, as before stated. The following we also understand to be persons of some opulence, and they retain each of them from twenty-five to thirty matchlock men in their service, and appears abroad with two or three of them in their suit.

Mur Hussein Uddien Chowdry, zemindar of Pergunnah Nazirpore;—Seebnarrain Chowdry, zemindar of Pergunnah Selimadad;—Ramdoolub Chuckerbutty, Bhowanny Persaud, talookdar in Pergunnah Chundee Deep;—Meer Assud Ally, zemindar of Pergunna Shaistabad;—Kirty Chunder Roy, zemindar of Pergunnah Rotundy Calkapore;—Sheebchunder Roy, Kirty Chunder Roy, zemindar of Pergunnah Aurungpore;—Khajeh Mahomed Daym, Khajeh Chaund, talookdars of Sulkunah;—Bowanny Pershaud Roy, a merchant at Sootaloory.

Zillah Jelalpore.—In this zillah we are given to understand there are no persons of very high rank. The principal landholders are Molovy Birkututta, and Dewan Hurrykishin, proprietors of Norullapore before inentioned, as residing in the city of Dacca. The minor zemindars of Bowal, the widow of Lalla, Kirritnarrain and his nephew Seebnarrain, the zemindars of Bykuntpore; Meir Hossein is the proprietor of a small talook, and is said to be a man of respectability and family. In the immediate pay of these landholders, we believe the followers, armed or otherwise, to be inconsiderable; and within our own observation, they do not appear abroad with more than two or three, and those unarmed.

27. Are there any persons in the division subject to your authority, who are supposed to be disaffected to the British Government? What are their names, and to what means do you resort for superintending their conduct? Have these persons any influence in the division, and to what extent?

27. None that we have heard of. It is to be observed, however, that there are persons residing in the city, the ruined descendants of great families, who probably feel the state of degradation to which they are reduced; and from such persons, attachment to the British Government can hardly be expected. To particularize any individuals of them would be invidious; we shall only observe, that the Magistrate should at all times know them and watch them, without appearing to do so.

28. Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

28. We are inclined to believe it would have that effect with a large majority of the natives, particularly among the Hindoos, who would naturally have to hope for a more equal participation of honours with their Mahomedan fellow subjects, than they probably ever enjoyed under the Mogul Government. There are political considerations, however, which appear to us to be attached to the declaration mentioned in this Interrogatory, on which we do not feel ourselves competent to give a decided opinion. We apprehend indeed that nothing we could say on the subject would add to its elucidation, after the very ample discussion it has already undergone in that well-known and able work, entitled, "Plans for the government of British India."

29. What is the state of the Roads and Bridges or other Public Works in the division under your authority, and at whose expense are they kept in repair?

29. The roads in our division, with the exception of Tipperah and Chittagong, are very bad, and are not kept in any repair, excepting a few in the immediate vicinity of the city of Dacca and of the Judges stations in the zillas: these are made and repaired by the labour of the convicts, and the expense, whatever it be, falls upon Government. The low situation of this division renders it, generally speaking, subject to be overflowed at the season of the

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periodical rains, owing to which we conceive it to be that fewer remains of high roads are to be found in it than in most of the other provinces in Bengal. The bridges, excepting a very few of the new ones lately made in Chittagong and Tippera, are hardly passable. There are no embankments or other public works of any considerable note in this division.

30. How are the convicts usually employed; and is there any manner of employing them which appears to you preferable to the manner in which they are at present employed?

30. Various projects have been suggested for the employment of the convicts. In the present state of this division, however, we see no way of employing them better than Mr. Elliot's, in the improvement of the city and towns where the Magistrates reside, and in making high roads and keeping them in repair.

31. What is the state of the jails in your division?

31. The city and Tippera jails are built according to plans given by the chief engineer, and are in excellent order.

The outward wall of the Mymensing jail is built of brick and mortar, the gaol itself, partly with brick and partly with strong wooden posts: it is kept in very good order, but being thatched it is liable to accident from fire.

The temporary jails constructed at the new station of Burisaul by the late Magistrate Mr. Wintle, are commodious; but the walls being entirely composed of wooden posts, bamboos and brush wood, and the roofs being thatched, they are very liable to be burnt.

The jails at Sylhet are of brick, and are in pretty good repair.

The jails at Chittagong are made of bamboos and thatch, surrounded with huts, in a low unhealthy situation, and constantly liable to take fire.

The jails of Dacca Jelalpore, four in number, are hired buildings, in the city; they have lately been repaired, and are more convenient and in better order than they were some time ago; but as they are detached at a distance from each other, and never were built for the purpose of confining prisoners, we consider them still deficient in many respects.

32. What is your opinion of the expediency of granting to zemindars, farmers and other persons of character in your division, commissions empowering them to act as Justice of Peace? Do you think that such a measure would contribute to the suppression of the crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of jurisdiction of such persons? Would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

32. There are very few zemindars in this division, whose characters are such as would warrant us in recommending them to be trusted with the powers of Justices of Peace; generally speaking, they are too apt at present to break the peace in every dispute that occurs amongst them, regarding crops and boundaries, as well as to harbour robbers, to render it probable that they would not use their authority to attain improper ends; some exceptions to this character may however without doubt be found amongst them, and respectable persons of other descriptions might we imagine also be met with, to whom it might be expedient to grant such commissions: their jurisdiction in this case should be confined with respect to landholders (whether Malguzany or Lakerage) or farmers, to the estates or farms possessed by them; and the jurisdiction of the native Justices not being of these descriptions of persons, might be regulated by local circumstances, so as to include small districts of from 20 to 25 coss square on the confines of the different zillas, where the distances from the residence of the Magistrates may prevent them, as sometimes happens we believe, from affording that ready protection and redress to the honest part of the community, or to injured individuals, which they can give when near at hand. Native subordinate Magistrates of this description, supposing them to possess a sufficient degree of probity and regard to character to be deterred from acting grossly wrong (for as to men of real strict principles of honour, we despair of finding any such) might be of considerable use in suppressing crimes (particularly robbery) and might also be a means of affording easy and prompt redress to persons really aggrieved in petty disputes, though we should recommend their power of cognizance in such matters, to be rather more limited than what the present Magistrates possess. The same persons might also be chosen Commissioners of civil suits, with the enlarged jurisdiction recommended in our Answer to the 6th of these Interrogatories; but we must again suggest the propriety, or rather necessity, of the utmost caution being observed, in the selection of the persons to whom these powers are proposed to be given. Every possible opening to the bias of favouritism, either direct or indirect, against merit, (and which we fear has at present often too much weight in the choice both of Darogas and Commissioners) should be absolutely shut up; and whatever be the channel through which it might be thought proper that the recommendation should first pass, the most strict enquiry ought to be made by the Courts of Appeal and Circuit, and by the Courts of Sudder Dewanny and Nizamut Adawlut, into the character and qualifications of every candidate for the office of Justice of the Peace, whether the civil jurisdiction be added to it or not; so as for Government to have the most satisfactory testimonies to both, before ever they grant or sanction the appointment.

33. Are there any new Rules or Regulations which you would recommend to be adopted as being calculated in your opinion for the suppression of crimes in general?

33. In our Answer to the 22d of these Interrogatories, we have already, among other suggestions for the suppression of gang-robbery, recommended an increase in the power of the city and zilla Magistrates. We have done so in general terms however, reserving

the particular discussion of the measure, for our Answer to this query; as we are persuaded, that if carried to the extent we propose, it will have a very considerable effect towards the suppression of crimes in general.

Among the various classes of offenders who are brought to trial before the Courts of Circuit, there are many upon whom, their crimes not being of deep enormity, a prompt infliction of moderate punishment would probaby have, if not more, at least as much good effect, as the tardy execution of severer sentences; moreover, the impression which punishment makes, not merely on the culprit who suffers it, but on all to whose knowledge it comes, when closely following the crime or offence which gave occasion to it, is doubtless much greater than when a considerable interval of time has elapsed between the one and the other. We cannot but think therefore, that in producing the terror of immediate example, in regard to crimes or offences of inferior degree, (but which generally lead to greater) it would be a most valuable improvement in the administration of criminal justice, if a permanent Court was to be established, in the city and in each of the zillas, for the trial of all such crimes and offences, being of a middling description, between those which, from their very heinous nature, ought to be reserved for a more solemn trial before the Court of Circuit, and the trifling cases of theft and misdemeanor, which the Magistrates are themselves now empowered to pass sentence upon.

The institution of criminal Courts of this description, besides the important effect above hoped for, would be a great relief to a large proportion of prosecutors and witnesses, who on the present system are harrassed by the necessity (independent of attendance at the Police Thanas) of twice quitting their homes, to appear first at the Magistrate's examination, and lastly before the Court of Circuit; and the saving of expense to Government in the article of diet money to these persons, would also we imagine be very considerable.

For all these reasons, we do not hesitate to recommend, that a regulation be enacted for the establishment of these inferior Courts; and that the Magistrates of the city and zillas, assisted by the law officers of their respective Dewanny Adawluts, be empowered to hold them at their respective stations, and at stated times during the intervals between the half-yearly sessions of the Courts of Circuit. To avoid rendering our Answer to this Interrogatory longer than is absolutely necessary, we beg leave to refer his Excellency the most noble the Governor General in Council, to No. 4. of the Appendix, for the rules respecting the powers and jurisdiction, (including the necessary checks on the former) which we would recommend to be given to them; and we shall conclude the subject by observing, that another and not unimportant good effect may also be expected to result from the proposed establishment, should it meet with his Excellency's approbation, which is, that by the sittings of the Courts of Circuit at their half-yearly sessions, being confined to trials for crimes of a heinous or momentous nature, the Judges of those Courts will have so much the more time given to them to enquire into and inform themselves of the internal state, and the conduct of the subordinate officers of justice, of the districts visited by them; and will be better enabled than they now are, to notice and check abuses; and to suggest the means, where necessary, of ameliorating the condition of the inhabitants in all points relating to the administration of criminal justice.

34. What has been the operation of the last regulation respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes now levied on spirituous liquors, have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

34. The use of spirituous liquor is far from being so general in this division, as we understand it is in the other divisions of Bengal; and Regulation VI. of 1800, has consequently had less perceptible effect, with regard to the vice of drunkenness, in this division, than it is to be supposed it otherwise would have had. We are by no means of opinion, however, that the establishment of the taxes now levied on spirituous liquors, has rendered that vice more prevalent than before; on the contrary, we are persuaded that these taxes have operated as a considerable check to the indulgence in this vice amongst the poorer classes of the natives.

35. Do any measures occur to you, the adoption of which, would in your opinion contribute progressively to the improvement of the moral character of the inhabitants of the division?

35. We see none but in the interference in the education of the rising race, and which we imagine might be effected by the establishment of public schools, under regulations to be framed for the purpose; the expense to be defrayed by a trifling tax on all bauzey zumeen, or rent-free lands, the produce of which, either from the terms of the grant, as expressed in the deed of conveyance, or from the nature and denomination of it, should be assignable to religious or charitable uses.

We do not conceive that a tax of this kind would at all militate with any of the declarations or provisions contained in Regulation XIX. of 1793, and when specifically levied for, and appropriated to, so great and beneficial a public use as the one suggested, we can see in it no just cause of complaint to the grant-holders, on whom individually the tax need not, as we apprehend, be at all heavy or oppressive.

Some such measure as this, though it must be expected to be slow in its operation, we should hope would be effectual. And we shall only add, that one of the grand objects of the managers of such an institution should be, to instil into the minds of the youth committed

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mitted to their care, not only the avoidance of evil actions, but an abhorrence of the society of criminal or bad men.

At present a Hindoo, whatever be his class, and a village Mahomedan, is liable to suffer excommunication for the most trifling error in conduct, or even accident, in regard to his food or person; but if he has committed perjury, gang-robbery, or any other infamous or atrocious crime, his society is by no means shunned: it is too often indeed courted by the better sort, as well as by the lowest ranks of the inhabitants of his neighbourhood. Fear, it may be said, will sometimes operate to give a desperate villain a place in society, which he otherwise might not hold; but this readiness of communication with persons of infamous character, to which we allude, is something more than the effect of fear. It is, we rather imagine, both the consequence and the cause of a total and general want of moral feeling; and the most likely means of checking it that we know of, would be to establish it (if possible,) as a principle with the rising generation, that any person (however innocent he be in his own conduct) voluntarily associating with another of infamous character, should be considered as contaminated, and be reduced to the condition of an outcast.

Some further thoughts, not unconnected with this subject, were addressed to the late Register of the Nizamut Adawlut, in a letter, from our second Judge, under date the 3d of July 1800, regarding the proposition for employing the convicts in working mines; and as, on full consideration, we concur in the sentiments expressed therein, we beg leave to give an extract of the letter containing them, in No. 5. of the Appendix.

36. In your opinion, what has been the effect of the regulation which declares persons convicted of the crime of perjury liable to be marked on the forehead?

36. It has, we believe, checked the prevalence of the crime in Zilla Chittagong, where some examples have been made.

37. What has been the operation of the punishment of transportation introduced by the British Government?

37. It is more generally dreaded than death, and has operated as a considerable check to robbery.

38. Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or too much severity? And what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is in your opinion administered?

38. It is unequally administered, which is a great defect; as the uncertainty regarding the measure of punishment, must tend to take off from the terrors of the prospect of it. To enact a scale of punishments, with no alternative but sentence conformable thereto, or absolute acquittal, is the only mode by which we think it can be remedied.

39. In what period does the Judge who makes the half-yearly jail deliveries, usually complete the circuit?

39. On an average hitherto in six months, exclusive of the jail delivery of the Zilla of Dacca Jelalpore, which is held in the city of Dacca.

Shearman Bird, senior judge.
B. Crisp, - - 2d judge.
John Fendall, 3d judge.
James Graham, 4th judge.

No. 1.—To G. H. Barlow, J. H. Harrington, A Maclue, and W. C. Blaquiere, Esquires.

Gentlemen,

WE have to acknowledge the receipt of Mr. Secretary Barlow's letter of the 13th of May last, requiring us to report to you, the present state of the police within the jurisdiction of this circuit, together with such amendments as may appear to us practicable for the improvement thereof. In reply to which, we have to acquaint you, that murders, robberies, and murders attended with cruelties of the most atrocious nature; arson, burglaries, thefts, and serious affrays for disputed lands and crops, are much too numerous to indicate a good police; wilful and corrupt perjury, and forgery, are also extremely frequent, the former so general as to occur almost daily in every civil and criminal Court, without the possibility of punishing it as often as may be necessary, from the difficulty of discriminating which is the culpable party; indeed the loose principles of the natives are such, that hordes of witnesses may constantly be obtained to support or contradict any proposition which a daring litigant may chuse to agitate in a Court of Justice. The causes of these evils may be traced in the imperfections of the Mahomedan law, the criminal code of the country, the contracted powers of the Magistrates with regard to punishment, the negligence and corruption of the tannadars and their inferior officers, the immoderate extent of the police jurisdictions, which, from the small establishments of the tannadars, they are incapable of properly superintending; and the want of a sufficient number of police officers of this description.

A well-regulated police depends greatly, we conceive, upon the code of criminal laws being properly adapted to the state of society and manners of the country in which such laws prevail. The Mahomedan criminal laws in force throughout the provinces, it is well known, are introduced by conquest, and established by the conquerors with little attention to the prejudices of their Hindoo subjects. Impressed with the conviction that they were dictated

dictated by inspiration, and that they themselves, from professing the faith of Mahomed, were a chosen and superior race of mankind, they blindly received them as a perfect code, and as long as they accorded with their own religion and manners, they were indifferent as to their applicability to that part of their subjects whom, from difference of religion, they distinguished by the appellation of Zemmees. As India is no longer under Mussulman sway, and Government are daily enacting regulations with a view of promoting its prosperity, it perhaps would not be impolitic positively to level the distinctions which the Mahomedan criminal law makes between the Mussulman and Hindoo, and admit the latter more decidedly to equal privileges with the former. We are well aware that this has been provided for in the important article of testimony, by section the 56th of Regulation the 9th, 1793; but as this privilege is qualified with a condition of reference to the Sudder, the odium and impolicy of the Mussulman distinction may be thought by the Hindoos still to exist, while at the same time, the condition embarrasses the Courts of Circuit, by exacting obedience to a rule, which it is impossible, from the numerous cases of reference which occur, altogether to attend to. The wisdom of Government has also superseded or modified many other exceptionable parts of the Mahomedan law, so as to render them more compatible with justice, the foundation of all law; yet notwithstanding these amendments, and the conditional regulation of the right above alluded to, so essential to the interests of the majority of its subjects, the Mussulman criminal code is still very objectionable, particularly on the score of evidence, a matter in itself of the utmost moment to the peace and order of society, as the detection and punishment of crimes and misdemeanors depend so entirely upon it. The law of evidence as laid down in the Hedaya, and sanctioned by modern lawyers, goes to the exclusion of the testimony of so many descriptions of persons on account of legal incompetency, that a considerable proportion of the crimes and misdemeanors committed in this province escape condign punishment. This defect in the law is so generally known, that it is invariably pleaded by prisoners on their trials, in instances of illegal evidence being adduced; hence crimes are multiplied from the probability of impunity, and the morals of the people corrupted from bad examples resulting from the inefficacy of the criminal code. To remedy these evils, we would propose that the degrading distinction made by the Mahomedan law between Mussulman and Zimmees, or persons of different religious persuasions, be wholly and positively abolished; and that the testimony of a Zimmee be of equal validity with that of a Mussulman, in all criminal cases whatsoever, without the form of reference. That all evidence within the degree of paternity be also valid in criminal cases, whether the witness be man or woman; and lastly, that the testimony of masters and slaves, hirers or hirelings, and generally all other descriptions of persons excepted to, who have not rendered themselves infamous and undeserving of credit by the commission of crimes, be likewise valid in all cases cognizable by the Court of Circuit. The persons above noticed comprehend almost all the relations which can occur between man and man in a state of society; and the families of both the upper and lower classes of the inhabitants, must necessarily consist of them. On the approach of a gang of decoits, the whole of the village attacked is generally deserted, particularly the vicinity of the devoted house or houses. Thus decoits have numerous opportunities of committing their depredations with little or no risk of detection. Neighbours are rarely interested in the accidents or misfortunes which befal each other, unless they are near relations; under the impression of fear from immediate danger, and the vindictive spirit of the decoits, they all fly with their families and most valuable effects as far from the scene of robbery or murder as possible; few of the natives have spirit or generosity enough, in these moments of distress, to assist each other; and nothing can subdue their terror, and induce them to observe or oppose the conduct of the decoits, but the stronger motives of paternal, filial and conjugal affection, or the warm attachment of a faithful servant or slave. The exclusion therefore of the evidence of the above description of persons, is in a manner arming the hand of a robber and assassin against his neighbour, and exposing him unprotected to his rapine and vengeance.

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The second cause to which the defects of the police are attributable, is the inadequacy of punishment authorized by the existing Regulations in petty thefts and misdemeanors cognizable by the Magistrates. In England, religion and morality have a great sway on the minds of men, and contribute greatly to the support of order and prevention of crimes; educated in the school of a good Government, our manners are in a great degree formed by the laws, whence the stigma and infamy attending the breach of them, are more dreaded than the actual punishment they award. In this country, the morals of the people are very corrupt, owing to the loose system of their religious tenets, the inefficacy of the criminal laws, and the debasement of the mind from the oppressions of despotism; as the moral principle is weakened, the vices of society increase, and crimes and lesser offences are multiplied proportionably under a despotic government, where the laws are little observed. Innocence and guilt are alike confounded together, and the former may as often be the victim of tyranny, as the latter the object of deserved punishment; in so indiscriminate a system, the dread of dishonour and ignominy has little influence on the disposition of the multitude, and crimes and misdemeanors are only restrained by the severity of punishment. In this state it would appear, the natives of the provinces were, when admitted to the benefits of our institutions; and the habits of ages are not easily effaced. Accustomed to rigorous punishment on conviction of petty thefts and misdemeanors, under a government which left, to a great extent, the measure of punishment to the discretion of the Hakim, the mild chastisement inflicted for similar offences by the Magistrate under the provisions of sections the 8th and 9th, of Regulation the 9th, 1793, has little or no effect in repressing crimes and irregularities of either denomination.

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To prevent the frequency of petty thefts, and with a view to reclaim in the bud of delinquency, persons of this description, who from too lenient treatment on the first offence, become generally confirmed thieves, we would recommend that the powers of corporal punisment, now vested in the Magistrates, be extended to sixty stripes of the rattan, instead of thirty; and the power of imprisonment to two months instead of one; and that he be authorized to inflict both corporal punishment and imprisonment, to the utmost extent of these powers, on such culprit as may be convicted of the more criminal species of petty thefts; and in lesser delinquencies, such portions of both, or of either, as he may deem expedient, according to the nature of the offence.

That in all instances of imprisonment under the sentences of the Magistrate, offenders of this description be confined for the period of their imprisonment, in a separate jail or work-house, to avoid the contamination of principle resulting from an intercourse with the convicts; and that they be there kept to hard labour, such as the Magistrate shall prescribe, from sun-rise to sun-set, save during the hours allotted to their meals.

That in order more effectually to deter the numerous breaches of the peace, as well as the misdemeanors described in section the 8th, of the above quoted Regulation, the power of fining, as originally vested in the Magistrates by that section, be restored to them, and that they be authorized, in breaches of the peace, and misdemeanors of a more faulty nature, to inflict on prisoners convicted of such offences, both fine and imprisonment to the extent authorized therein; and in lesser misdemeanors, such portion of both, or of either, as he may think proper. The fines however to be fixed upon a due consideration of the nature of the case, and the situation and circumstances in life of the offender.

A third material cause of the inefficacy of the police, arises from the corruption, negligence and inactivity of the tannadars and their inferior officers, and from their jurisdictions being much too extended, to admit of their superintending them properly, with the small establishments allotted them. Their corruption, &c. is only to be corrected by the energy, integrity, and information of the Magistrates. A Magistrate of this description may communicate his own vigour of mind to all his public officers under him, and oblige them to act uprightly, whatever be their principles; indeed in proportion as these qualities mark the characters of the Magistrates under this division, it is observable that the disorders of the police are less, and that the tannadars are more active and attentive to their duty. The too great extent of their jurisdiction, is only to be remedied by Government appointing a greater number of tannadars; to maintain effectually the police of the country, particularly in the southern zillahs, whose robberies are most prevalent, the number of these officers ought to be doubled. The regulations moreover directed, that the police jurisdictions shall be ten coss square, as far as circumstances will admit, but in general they are considerably more, and in some instances double that extent, and it rarely occurs that the situation of the tanna is in the centre of the police jurisdiction, either from local objections, or from the necessity which the Magistrate is under of placing them so as to superintend with the best effect the principal towns, gunges, and bazars within the police jurisdiction; from all these circumstances it generally happens that the remoter parts of their jurisdictions are very much neglected; and indeed we do not see how it can be otherwise, when a district, often as large as a county in England, has no other immediate superintendent of its police than twelve men, whose abilities are scarcely equal to a constable and as many watchmen at home. It is indeed provided for by sections the 13th and 14th of Regulation of the 22d, 1793, that the tannadars shall be assisted in their duty by the pikes, chowkydars, paúsbauns, dusands, negábauns, harres, and other descriptions of village watchmen; but it is notorious, save pikes, who are the servants of the zemindars, and employed by them in their collections and other private transactions, that there are few or no village watchmen of any description in this province, so that the tannadars are totally without this important source of aid in discovering the disorders committed within the limits of their jurisdictions. It may naturally be supposed, that the parties injured would give this information, and it certainly often happens that they do, but it as frequently happens, which our experience as Judges of the Circuit afford us many opportunities of knowing, that either from aversion to the trouble and expense of complaining, from a private adjustment of the cause of complaint, or from apprehension of the vindictive spirit of decoits, to which witnesses often fall sacrifices, the most flagrant and atrocious offences are concealed, though there is sufficient evidence to the fact to punish the offending party.

To remedy the evils above suggested, we would recommend that the police jurisdictions in this province be increased in such numbers as the Zilla Judges shall think necessary for the protection of the country, and the proper regulation of the police.

That with the view to afford the tannadars information of all crimes and misdemeanors committed within the limits of their respective jurisdictions, which, from the circumstance of there being no village watchmen, they are unable but very imperfectly to obtain, it be the duty of all zemindars, talookdars, and other description of landholders within the province of Dacca, to deliver, as soon as may be practicable, to the tannadars within whose jurisdictions their zemindaries, talooks, or lands may be situated, correct lists of every haut, gunge, and bazar comprized therein, with the names of mundels, putwarries, and other description of superintending officers of the said places; and that as often as from casualties or removal, the aforesaid persons may be changed, to report such changes to the tannadar, with the names of the persons appointed in their room, on pain, in default thereof, of being fined by the Magistrate in such sum as he shall think proper, under the limitations prescribed in section the 8th of Regulation the 9th, 1793.

That in order to detect and punish all murders, robberies, burglaries, thefts, arson, and affrays of a serious nature, it be the duty of all mundels, putwarries, or other denomination

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of village superintendents, to report verbally or in writing, to the tannadars, all offences of the above description, whether the injured party complain or not, which may be committed within the hauts, gunges, bazars, and villages particularized in the afore-mentioned lists, and which may come to their knowledge, on pain, in default thereof, of being fined by the Magistrate in like manner as above set forth respecting landholders.

That it also be the duty of every ryot residing in a gunge, bazar, haut, or village, who may come to the knowledge of any murder, robbery, or other description of crime, to report it without delay, with all the circumstances within their knowledge, ocular or hearsay, to the mundel, putwarry, or other denomination of village superintendent; and that in case such superintendents should neglect or omit to make the report required of them, that it be the indispensable duty of the inhabitants of the place or places where the crime or crimes shall be committed, to make the report to the tannadars within whose limits they may reside, by deputing, at the expense of the village, one of their own body to him for this purpose, with a written statement of the particulars of the case, and the names of the witnesses, if any be known; and in the event of their neglecting or omitting to make this report, that the whole village be amerced at the discretion of the magistrate, who will be of course expected not to levy a greater fine than what will operate in support of this object.

That it moreover be the duty of all superintendents of hauts, gunges, bazars, and villages, as well as the inhabitants thereof, to report to the tannadars within whose limits they may reside, the names of all persons suspected of receiving stolen goods, as well as of all vagrants of every description under the provisions above described, on pain, in default thereof, of incurring similar penalties.

The principal evils in the police of the city of Dacca, and the towns, bazars and gunges under this division, is the frequency of theft and arson. Thieves in the aforementioned places are fostered and encouraged by thangydars (receivers of stolen goods) who find means to conceal or dispose of the stolen property as soon as it is conveyed to them; they consist principally of silversmiths, one of whom is frequently attached to each gang of decoits or thieves. The ascertaining and registering all persons suspected of this traffic, we conceive, might sooner or later be effected by a vigilant Magistrate and his police officers, which would greatly facilitate the detection of robberies and thefts. Arson occurs so frequently, particularly in the city of Dacca, occasioned generally as is supposed by incendiaries employed by the venders of the articles used in the construction of the native houses, that numerous individuals are reduced to the most deplorable state of distress and poverty from it. A plan to lessen the evils occasioned by fires, was suggested to the Nizamut Adawlut in the Report of the 2d Judge of the Court of Circuit, under date the 13th December 1796, until the more obvious remedy of tiling could be introduced, as the loss sustained annually by fires, whether arising from accident or design, in the raw produce, manufactures and other species of property and effects, must be immense in all the cities, towns, gunges and bazars throughout the provinces, and prove extremely detrimental to the commerce and prosperity of the country. We conceive the adoption of measures to prevent so enormous an evil, both from principles of humanity and policy, an object of the utmost moment to Government, especially as the remedy appears to us simple and practicable. On the west of India the practice of tiling houses is we understand general in all the cities, towns, gunges and large bazars, and no inconvenience to the inhabitants is observable to result therefrom; we therefore strongly recommend the adoption of tiles to the same extent in this part of the Company's dominions, particularly as cities, towns, gunges and bazars, are the deposits of almost all the valuable property of the country. There probably may be some objections started to tiling by the natives at first, as generally happens on all innovations; the convenience and advantage however of the measure is so apparent, that it must eventually be approved of even by them.

The soil of the province is of a nature well calculated for tiles; grass and straw, the usual fuel for making bricks, which require a much stronger fire than tiles, are to be had in the greatest abundance, and every comar is acquainted with the art of manufacturing tiles.

Should tiles be adopted in the extent we propose, we recommend that the resolution of Government for their introduction be notified in the most public manner to the inhabitants of the provinces six months previous to its operation.

That in order to ascertain the proper cities, towns, gunges and bazars in which it may be found expedient to enforce tiled roofs, every zilla and city Magistrate be directed to transmit to Government lists of the cities, towns, gunges and bazars within their respective jurisdictions, which they may deem of sufficient importance to require tiled roofs, and that after the six months grace above alluded to, no house consumed by fire or otherwise destroyed, situated within any of the cities, towns, gunges and bazars, comprized in the said list, be permitted, if rebuilt, to be roofed but with tiles on any pretence whatsoever. Thus tiled roofs may be gradually introduced at little additional expense to the inhabitants who may reside in the places above described; the partiality for straw roofs will tend to make proprietors of existing thatched houses more careful with respect to their own domestic fires, and render it the interest of the dealers in straw to preserve rather than promote the burning of the straw houses now in use, as their trade must be injured in proportion to the introduction of tiles.

There are several other objects necessary to a good police, which deserve the attention of Government, from the imperfect state in which they are at present in this province, such as roads, bridges, ferries, weights and measures; these however have been reported on to Government by the Judges of the Circuit, and Government have either given or promised to give them due consideration.

Dacca, the 24th June 1799. We are, Gentlemen, Your most obedient servants,

(Signed) *S. Bird*, senior judge.

S. Bayard, second judge.

(A true Copy) *S. Bird*, senior judge.

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No. 2.—To G. H. Barlow, J. H. Harrington, A. Macklew, and W. C. Blaquiere, Esqrs President and Members of the Committee for investigating the State of the Police, Fort William.

Gentlemen,

ON the 27th ultimo, I received through the Court at Dacca, a copy of Mr. Secretary Barlow's letter of the 13th, desiring us to report to you, the present state of the Police within our jurisdiction, with such amendments as may appear to us necessary and practicable for its improvement.

2. I observe that this Report is required to be furnished with all possible expedition, and as considerably more than a month has elapsed since the receipt of the order at Dacca, I conclude that the Court will have transmitted it to you ere this. To avoid an additional week's delay, therefore, in the communication of my sentiments, I think it best to submit them to you by a direct address, instead of transmitting them through the Court, and in excuse for the past delay must request you will consider that my hours of business are entirely occupied in the indispensable duties of the sessions at this station; and that I have had no time, either for the consideration or arrangement of what I am about to offer on this important subject, but what has been taken from the portion allotted to meals, sleep, and necessary relaxation.

3. The Police of this division, from all I have been able to ascertain in the course of my last three circuits, has been gradually improving for some years, and at the present time is so far efficient, that the perpetrators of crimes are without doubt much more frequently brought to justice than they used to be. To this circumstance, rather than to any increase in the depravity of the people, must I think be attributed the very disgusting calendars of murder, robbery and torture, that are still presented to our view at each half-yearly sessions. For I am confident that much as these scenes of enormity may yet prevail, and however short of the desired effect the present system of police may have fallen, towards the total repression of them, the violences committed in the country bear no proportion to what they were prior to the introduction of that system. The rivers in particular, which in my remembrance were hardly passable, on account of the immense bands of pirates who infested them in all parts of the province, are now (with the exception of some of the large rivers near the sea) in a great degree free from this perilous obstruction. There are, nevertheless, several openings for material improvement, both in the local and general administration of the police, which, as well as the means by which that improvement may be best effected, I shall endeavour to point out, under the following heads:

4. First,—*Form and Extent of Jurisdictions.* In which I shall consider such defects as appear to me to exist in the arrangement of the zillas or thanas.

5. Second,—*Police Darogas.* Under which head I shall notice the importance of their stations in the zillas; their neglects; and the means I would propose for compelling them to the strict performance of their duty.

6. Third,—*Inquests.* I shall explain under this head the reasons of inquests being so frequently omitted in cases of murder, and shall offer some propositions for preventing those omissions in future; and for insuring certain and speedy intelligence of murders and robberies to the police officers.

7. Fourth,—*Goindars.* Under which title I shall endeavour to show the best mode of making this class of professed informers really useful; and shall point out the expediency of private informations being occasionally resorted to for the discovery of notorious robbers, with the proposition of such cautions and checks as may prevent abuse; together with a few hints regarding the examination of persons accused of crimes: and to these heads I shall add a few remarks under that of *Punishments.*

8. First,—*Form and Extent of Jurisdictions.* Compactness, so as to afford easy communication between the centre of authority and the borders of a district, is a very essential point, in my opinion, towards the establishment of a good police.

9. In this respect there are two of the zillas in this division, that from late observation, I think, are not so well arranged as they might be. They are Mymensing and Chittagong.

10. The defect I have observed in Mymensing, is, its having within its limits the Pergunna of Serryle; which is situated in a remote corner, at a distance from the residence of the Magistrate, exceeding that of any other place in his jurisdiction; besides being naturally cut off from it by the course of the river Megna, which bounds it on the west. This Pergunna, lying immediately between Sylhet and Tippera, and bordered on the east by the hills of the latter country, I was assured on my late journey to those parts, is a nest for robbers, who infest not only the pergunna itself, but the neighbouring country in all the three districts; an evil which, even if I had not information to warrant the conclusion, might be naturally ascribed to the above-mentioned circumstances of its situation.

11. There does not appear to me, however, any difficulty in remedying this defect. Sirryle is nearer to the Magistrate's residence at Tippera,* than it is to Savara, by two days journey, and there is an easy and direct communication between them by land or by water, at all seasons of the year. I am of opinion therefore that it would be an advisable measure to annex this pergunna to the Tipperah District; by doing which, it appears to me, the communication of intelligence regarding robbers, and the depredations committed by them, as well as their ultimate apprehension, will be greatly facilitated. Tippera, which is already a very

* The Thanar of Nasirnagur, in Serryle, is situated on the banks of the Teetas River, near the town of Bejurah, due north from Comillah.—Vide Map, No. VI. B. A.

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a very compact district, will not be rendered less so by this annexation. For Purgunna Serryle, which will in that case form its northern limit, will hardly be at a greater distance from the town of Comilla, than the amount of the river Fenny, its southern extremity, is at present.

12. With respect to Chittagong, my objection relates to the island of Hattea, which is cut off from it by two considerable arms of the sea, so as to render the communication difficult even in moderate weather; but which, during the south-west monsoon, I was assured occasioned a cessation of all intercourse with the main (on that side) frequently for a fortnight, and sometimes for three weeks together. Nearly the same objection occurs with respect to Sundeep, for one of those arms, and the most considerable of the two, is that which divides Sundeep from the Chittagong shore. But as Sundeep is equally cut off from communication with the other neighbouring zillas, I know not how by taking it from Chittagong to dispose of it to more advantage. This, from what I have recently ascertained, is not the same with Hattea, which by alluvions between its western shore and the east side of Duckensavagepore, is now nearly joined to the latter island. I would therefore recommend that Hattea be placed (as Duckensavagepore at present is) under the Magistrate of Backergunge; by which means its inhabitants, as well as the police officers stationed there, will always have a practicable communication with the residence of the Magistrate, and will be kept under better controul than they can be now. The Magistrate of Buckergunge being also furnished with an ample boat establishment, will probably have it in his power to put a stop to the water decoytee, which, as I understand, still prevails in a considerable degree between Luckipore and the shores of that island.

13. I am not aware of any objection to either of these proposed changes; if there should be any, the Magistrates of the districts in question, who of course will be consulted on the propriety of them, will be most competent to point them out.

14. With respect to Sundeep, the police of which, owing to its above stated insulated position, is in my opinion in a more defective state than any other part of the Chittagong Zilla, Hattea excepted, I know not what to recommend, unless it is that an additional assistant be given to the Magistrate, and that the Magistrate be authorized to depute such additional assistant to reside on the island during the stormy months of the year, or at other periods as he may see occasion; who on taking the oath prescribed in section 2 of Regulation XIII. 1797, shall be qualified to act on the island with the powers of magistrate during the period of his deputation.

15. It appears to me to be no less necessary that the police jurisdictions should be well arranged, so as that each should be compact, of moderate extent, and with the station of Daroga as centrical as possible. I have reason to believe, however, that is far from being the case with many of them in the Dacca Division.* But to point out any changes that may be advisable in their arrangement, or any additional thanas that may be required, it is necessary we should know as nearly as possible the situations and boundaries of all the present thanas, which it is impossible for us to do from the statements of them that have hitherto been furnished by the Magistrates: as there are very few of the darogas stations or places by which the boundaries of their respective jurisdictions are marked, that can be traced by their names, on any of Rennel's maps, I would propose, therefore, that the Magistrates be desired to transmit to our Court more particular statements of the situations and boundaries of all their thanas; and where the names of places, either of the darogas residence or of the boundaries, should not be found in any of the maps in the Bengal Atlas, to specify the distance and describe the relative position of such thana or boundary to the nearest place of note that may be marked in them; and after receiving this information, I am of opinion that the Court should consider and determine whether the situation or boundaries of any of the present thanas ought in their opinions to be changed or altered, or any new ones to be established, in which case they should obtain the sanction of the Governor General in Council for its being done.

16. Second.—*Darogas.* In the city of Dacca, the darogas are nothing more than petty constables; but in the zillas they are of much higher consideration, and have also frequent occasion to act as coroners. The zilla darogas should therefore be selected with particular attention to their qualifications; and which ought to be boldness and activity; integrity to prevent them from abusing their authority or breaking their trust; and with a sufficiency of letters to enable them to read and comprehend the regulations that appertain to their office. I cannot say I have seen many darogas whose qualifications answer this description; but to objections on this head, the answer generally is, that their pay is too small.

17. Upon full consideration of the trust committed to these officers, I cannot but accede to the justness of this remark; and unwilling as I am to recommend any measure productive of increase in the expenses of Government, I must express my wish that whenever circumstances admit of its being done, they may be placed upon a better footing in point of allowances than they are at present, so as to encourage respectable men to solicit these offices, and to make their appointments of too much consequence to them, to risk their dismission by doing any thing grossly wrong. If the increase were to such amount as to provide for their keeping either a horse or palanquin (besides a small boat in particular situations during the rains) so as to enable them to move about their districts with proper celerity on the various occasions† requiring their presence, it would in my opinion be no more than a proper addition to what they at present receive.

18. Either

* The Thana of Petelgunge, in Jelalpore, instead of approaching to a square of 10 coss, is above 20 coss in length alone.

† Particular Inquests.

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18. Either owing to ignorance or oversight, if not fear or corruption, there are some very important duties that do not appear to be so strictly attended to by the generality of the darogas as they ought to be.

19. Towards the conclusion of section 15 of Regulation XXII, 1793, there is a paragraph that expressly enjoins them, whenever they receive intelligence of any murder or robbery having been committed in their own or any other jurisdiction, to dispatch immediate information of it to all the neighbouring darogas, and also to the magistrates of the adjacent zillahs, unless they shall have apprehended the offenders? but I have seldom heard of this being done by them; nor excepting in very few instances have I found it stated in the reports that have come under my inspection, in cases where, at the time of the commission of the crime which has been the subject of trial, it would have been proper for them to have circulated such information. It is very seldom too, that any of them appear to make use of the power which is given to them by section the 10th of the same regulation, of apprehending, and forwarding to the Magistrate, any notorious decoyts or robbers, who they may be informed are harbouring within their jurisdictions; a power of great importance, and which, if properly made use of, would, more than any thing I know, tend to the advancement of that great object of police, the prevention of crimes.

2. Whatever be the cause of these omissions, I am of opinion, that with respect to the last-mentioned instance, some very strict rule should be made, so as at least to prevent the darogas from conniving at the residence of notorious robbers within their jurisdictions, either from personal apprehension or motives of corruption; and possibly the effect would be obtained, if it were declared that whenever on a trial before the Court of Circuit or otherwise, it should be found that a notorious decoit had resided for any length of time, say one month, subsequent to his having become notorious within the jurisdiction of any particular, such deroga should be liable to be dismissed from his office, unless he could show most satisfactory reasons for not having apprehended him. A rule to this purport, would probably also be a means of bringing to punishment such of the zemindarry pikes or village watchmen, who it should appear, from the representation of the daroga in such cases, had neglected to give him the information on this head, which they are required to do by section 14 of Regulation XXII, 1793. But to give the rule its full effect, the Magistrates ought to be extremely cautious in exercising the power which they have of changing the stations of the darogas at their discretion, and should not remove them from one jurisdiction to another on slight occasions.

21. Third.—*Inquests.* Notwithstanding the repeated instructions which have been given regarding this important head, inquests are still but very seldom held on the bodies of persons slain; and the reasons assigned are, that information of the death is either not forwarded to the thanna, or is sent so late that the body is in a state of putrefaction that will not admit of an inquest being held upon it when the deroga arrives. But in general the omission appears to arise from the heirs either burning or burying the body without giving any notice to the thanna officers; or in the cases where they come forward to prosecute, from their bringing up the body to the residence of the Magistrate, which it hardly ever reaches in a state fit to be examined; and even if it should be examinable, one great advantage of an inquest on the spot, in cases of murder, viz. the probability of its leading to the immediate discovery of the perpetrator, will in this case hardly ever be obtained.

22. A regulation, declaring the village or town in which the body of the person dying an unnatural death, should be burnt, buried, or otherwise disposed of, previous to an inquest being held thereon, liable to amercement, similar to the practice in England, would probably have greater effect towards obliging the country people to give timely information of such deaths to the police officers; but I fear the levying these fines would in this country not only be attended with difficulties unknown in England, where the assessment of the county rates affords an easy standard for apportioning the fine on the inhabitants, but would be also open to great abuse. Reflecting however upon the necessity there is for some regulation to ensure certain and speedy intelligence to the darogas, of all murders or robberies that happen in their respective jurisdictions, so as to leave them no excuse, either for not holding the inquest in cases of murder, or for not examining wounded persons on the spot, in cases wherein they are required to do so by the circular order of the Nizamut Adawlut of the 28th February last; or for neglecting to pursue the perpetrators where known, or for omitting to circulate the information to the neighbouring jurisdictions, in cases where they may not have been able to apprehend them; the following plan has struck me, as likely to answer the purpose, without being open to any difficulty that I am aware of.

23. First. That it be declared that all persons concerned in burning, burying or removing the body of a person who shall have died an unnatural death, before an inquest shall have been held thereon by the police officers (unless it shall clearly appear that after discovery of the body immediate notice was sent to the police daroga, and that he or his officers, after receiving such notice, omitted or delayed to proceed to the spot where the body was lying) shall be liable to be punished by the Magistrate, the punishment to be by fine, according to the circumstances of the case; and in the event of the fine not being paid by a definite period, imprisonment to be held equivalent thereto, and which in no case should exceed one month.*

24. Secondly.

* Our Court proposed a Regulation, in 1797, for increasing the powers of the Magistrates. Should any Rule to that effect be adopted hereafter, I would recommend this period of imprisonment to be increased, in proportion to the extent of additional power given to them.

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24. Secondly. That if it should appear, in the examination of any such case, that the body was that of a person murdered, and that those who were concerned in burning, burying or removing the body, had any design thereby of concealing the murderer, the Magistrate, instead of adjudging any punishment himself, should commit such offenders to the Court of Circuit for trial.

25. Third. That, as a further means of ensuring certain and speedy intelligence to the police darogas in the cases above alluded to, all zemindars and proprietors of land, whether paying revenue to Government or Lakherage, should be required to nominate either the putwarrees, who may be appointed under section 62 of Regulation VIII, 1793, or some one person from amongst the Munduls, Kurumcharrees, or head ryots in each village, whose duty, after such nomination, it should be to forward intelligence of all murders, robberies or housebreakings committed within their respective villages, and the precincts thereof, with the utmost expedition; any neglect therein to be made punishable by the Magistrates by fine, under the same qualification with respect to the term of imprisonment, which may be held equivalent to the fine, as is specified in the first article.

26. Fourthly. That the names of the persons so nominated in the first instance, and of those who may be hereafter nominated to fill up vacancies, be transmitted to the darogas, who shall keep a register of them.

27. Fifthly. That in addition to the duties prescribed for the village watchmen by section 14 of Regulation XXII. 1793, it be also a declared part of their duty to convey the earliest intelligence of all murders, robberies or housebreakings, whether directed to do so by the putwarries or other persons nominated by the landholders, or not; and whether the perpetrators be known or unknown, under the same penalty for neglect as they are now liable to for neglects of their present prescribed duties.

28. Sixthly. That if it should appear in any case, that owing to their being no putwarry or other person nominated for the purpose above directed, in a village in which a murder or robbery may have been committed, immediate intelligence thereof had not been transmitted to the thana, as above required, such village should be declared by the Magistrate to be forfeited to Government. The several rules laid down in the 1st, 2d, 3d and 5th clauses of section 2, and in section 3, of Regulation XI. 1796, regarding forfeitures adjudged by the Magistrate in case of resistance to his authority, to be considered applicable to all such cases of forfeiture.

29. Lastly. That the Court of Circuit should be enjoined to report to the Nizamut Adawlut, all instances in which it may appear to them that the Magistrates have omitted to pass the judgments of fine or forfeiture directed in the preceding Articles, in cases wherein such judgments ought to have been passed by them.

30. Some Regulation to this effect, with what I have proposed under the head of darogas, I should hope would very much contribute to remedy the grand defect in the present administration of the police, viz. the want of certain and speedy intelligence of crimes committed, and of the haunts of those from whom the commission of crimes may be expected. Let but the means of obtaining this intelligence be made certain, and those of pursuit* and detection will seldom be wanting. In short, I look upon the obtainment of this intelligence to be of such importance towards the establishment of a real good police, that not only public measures, but private means of information should be resorted to for the purpose. The nature of those private means however, and the cautions under which they should be used, will more properly be discussed under the following heads:

38. Fourth.—*Goindahs.* These miscreants are too often the cause of injuries that more than counterbalance any good done by them, particularly when they are armed with any kind of authority. I am of opinion that the Magistrates ought to be positively forbidden ever to furnish them with any warrant or written perwanna; and I am also of opinion, that they should never be made use of as public prosecutors, and as seldom as possible in any public manner whatever; but that the Magistrates should receive their informations privately, and consider them merely as lights to guide to the means of detecting criminals and bringing them to punishment. They may be of vast use, by informing the Magistrates of the names and residence of notorious sirdar decoytes, or persons of dangerous character, who reside in his district, and who may either elude the vigilance or may have purchased the silence of the police officers. They may also be of great use by setting their hirelings or runners to watch the motions of gangs, by which means they might frequently be able to give private intelligence to the police daroga of any daring robberies intended to be committed, so as to enable him to take measures for seizing the gang in the very attempt; and what is of infinite consequence towards the conviction of offenders, may, by tracing their haunts after the commission of a robbery, be able to afford information of the places where they have deposited their plunder, and of the names of persons whom they may have pressed into their service on the occasion, as carriers of that plunder; and who, if necessary, may be made use of as evidence towards convicting the robbers. In all these cases, where they show themselves of real use, goindas should be rewarded on the conviction of the offenders; but the reward should be as secret as their information. I am further of opinion, that not only might useful information be obtained in this manner from professed goindas, but that numbers of reputable landholders and inhabitants of the country would be glad to afford

* Since writing this, it has struck me, that although the aid of the country is already required to be given in pursuing offenders by section 16, Regulation XXII. 1793, it might be advisable to strengthen the requisition by a declared penalty for omission, excepting with respect to zemindars and farmers, who are already declared subject to punishment, if they fail to assist, by section 3.

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afford the Magistrates information of the haunts of notorious robbers, if it was not from the fear that by publicly coming forward with such information, they may incur the risk of being cut off, either by the persons informed against, if they should not be able to convict them, or by their adherents, if not taken. Indeed the dread that those even who suffer from their depredations and cruelty have of accusing them, or even of mentioning their names, is a fact that is exemplified in three-fourths of the criminal trials that come before our Court. But if the Magistrates were to search after, they would I imagine seldom find it difficult to obtain private information from such reputable persons, on condition that their names should not be revealed.

32. It may be said that I am for sanctioning great powers in the hands of the Magistrates; and I admit that I am; being confident that there can be no real good police, without they are armed with a large discretionary authority. But let these powers be so checked, as to render it impossible for them to do wrong, without incurring adequate censure, and then they will exercise them at their peril.

33. With respect to all secret informations therefore, the Magistrates should be enjoined, (not by Regulation, in which it would not be advisable to touch upon a subject of this nature, but by letters of Instruction from the Police Department) to make use of them merely as lights to direct them towards regular enquiry; and to be extremely cautious never to proceed to the apprehension of any person upon informations of this nature, unless there should be several of them corroborative of each other; or unless such private information shall clearly lead to other open and credible evidence, on which they may either ground a commitment of the apprehended person for trial, or if the evidence be not sufficient for that purpose, a requisition for security for good behaviour, as the condition of his release; the power of taking which security, should be expressly given to the Magistrates; and to prevent the possibility of any gross oppression being exercised under these powers, the Magistrates should be directed to lay before the Courts of Circuit at each sessions, two separate lists; one, of all persons who have been in their custody above the space of one month, and be still detained by them under examination; and the second, of all persons whom they may have bound over to good behaviour, and who may be in their custody for default of finding security; and in both of these cases, our Courts should be empowered to give such orders, or if necessary, to make such report to the Nizamut Adawlut, as they may deem proper.

34. The proceedings of the Magistrates will of course be at our call, and where there may be no proceedings, * they should be obliged to furnish us with satisfactory explanations of the reasons of the detention in the first case; and of their having required the security, in the second. With this information before us, besides that which our visits to the jails at each sessions must afford, it is not likely that any persons would ever be long detained by the Magistrates improperly, without its being noticed.

35. Having mentioned under this head the detention of persons apprehended, as being under examination, I shall take the occasion of observing, that it is of infinite consequence towards the discovery of crimes, and their perpetrators, that persons accused be immediately and separately examined by the Magistrates, on their arrival from the thanas; and that they should never be allowed either to remain together (after their arrival) or to mix with the convicts, until they shall have undergone such examination. Neither should Magistrates in the cases where a person accused simply confesses or denies the charges, always rest satisfied with committing that confession or denial to writing, but should also (as the Justices of Peace do in England) question the accused to all the circumstances of the crime, if acknowledged by him; and in case he denies the charge, to all such circumstances as are likely to draw forth from him answers, that if he is guilty, will either tend to raise the suspicion of guilt, or lead to the obtainment of evidence against him; or, on the contrary, if innocent, to strengthen the presumption of that innocence and point to the means of establishing it.

36. *Punishment.*—I have heard gentlemen, for whose opinions I have great respect, exclaim against the insufficiency of the punishments awarded by the Mahomedan law, but I must confess I cannot agree with them.

37. It may be true that owing to the exclusion of women, and some few other classes of persons, who would be deemed competent witnesses by our laws, cases will sometimes occur where criminals, whose lives might be considered as justly forfeited, may escape sentence of capital punishment by "Hudd" or "Kissaas," yet I do not imagine the instances of this nature can be so many as to have any considerable influence to the prejudice of the general system; and there never can be a total failure of justice in such cases, because the exceptions in point of competency do not prevent such witnesses from being heard, but merely go to deprive them of legal weight in the two particular descriptions of judgment above mentioned, leaving their credibility still with the Court, on which may be grounded the next heaviest sentence of the law, viz. perpetual imprisonment by Tazeer; and I much doubt whether that punishment might not be made to appear more terrible, as example, than even capital punishment, which, from all I have been able to learn, is generally met, by the miserable beings condemned to it, with great sang froid, and is considered merely as a show, without exciting any moral feeling or sentiment in the by-standers. That kind of penitence which is so often observed in criminals going to suffer death in England, and which, above all the circumstances

* I should have added, sufficiently explanatory.

circumstances of such awful sights, is most calculated to make serious and useful impressions on the spectators, is never, from what I can find, seen in this country.

38. In my report to the Nizamut Adawlut, on the conclusion of my circuit in 1797, I hinted at the expediency of close confinement, in the execution of sentences of imprisonment for life. This expression (certainly not sufficiently explained by me) I fear led that Court into a mistake of my meaning, and made them suppose that I recommended what is styled in England solitary confinement; but in fact I was aware of the objections (and which are so forcibly stated in the resolutions of the Nizamut Adawlut on my report) to that mode of confinement in this climate; and by close confinement, only meant that prisoners condemned to perpetual imprisonment for crimes of great atrocity, should never be suffered to come forth from the outward walls or enclosure of their prison; and I must still express my opinion, that where transportation may not follow such sentence, or until it actually takes place, if this distinction was to be made between convicts condemned to perpetual imprisonment for being concerned in wilful murder, or in robberies aggravated by murder or torture, and those whose terms of imprisonment are temporary only, or even where it may be for life; but for crimes of less malignity, it would have vast effect towards checking the horrid disposition to cruelty with which the robberies in this part of the district, are almost invariably attended.

39. The number of convicts who might be selected as proper objects of close confinement, would not, I imagine, be so considerable as to occasion any inconvenience, either on the score of health or cleanliness, to the other prisoners. The compartment of the jails which is allotted to prisoners sentenced to confinement by the Courts of Circuit or the Nizamut Adawlut, is generally the most extensive in the prison: it is there they should be kept; and they should be made to perform the most degrading and laborious offices that could be found for them, such as daily cleansing the prison of its rubbish and dirt, and cutting up firewood for the other prisoners to dress their victuals with; and instead of receiving the daily allowance, which is given to the prisoners in money, they should be provided with food and covering, and a bare sufficiency only of tobacco to prevent them from being injured in their healths from the want of it.

40. I confess I am of opinion that the fear of being subjected to this severe treatment, when once known of, would operate full as much as transportation (if not more so) towards deterring robbers from incurring it by murdering or torturing the persons whom they rob, and I strongly recommend a trial of it at least, with a few of the most hardened offenders amongst those who may happen to be condemned to perpetual imprisonment for being concerned in these last-mentioned horrid crimes.

41. Whether capital punishment might not be altogether abandoned, without disadvantage to the administration of criminal justice, seems to have been sometime past, a great question in Europe. Without however going into that question, I feel no difficulty in declaring, that I am not an advocate for the extension of capital punishment, beyond the cases in which it is already ordained by the Mahomedan law; and upon the whole I am of opinion that the Mahomedan law, if well administered, under the modifications and provisions that have been made by the Regulations, is extremely well adapted to all the main purposes of that justice; and particularly in this, that it admits of "due distinctions of severity," an advantage that may not be found in more sanguinary codes.

42. To conclude; the defects complained of do not, I imagine, lie so much in the Mahomed law as in the execution of the sentences of that law; and upon this subject so much has been already said, that some effectual means will without doubt be fallen upon, to render the punishments of labour and imprisonment no longer a jest.

I have the honour to be, Gentlemen,

Backergunge, the 27th June 1797.

Your most obedient humble servant,
(Signed) *B. Crisp*, 3d judge.

A true copy,
S. Bird, sen. judge.

No. 4.—HEADS of a proposed Regulation for the establishment of City and Zilla Courts of Foujdarry Adawlut.

1. THAT the Court consist of the Magistrate* of the city or zilla, assisted by the Mahomedan law officer of the Dewanny Adawlut thereof, both being previously sworn in due manner and form.

2. That the Court be empowered to try all persons charged with crimes or misdemeanors not specially excepted from its jurisdiction.

3. That for this purpose the Court be required to hold a sessions in the last week of every month, for such number of days as the state of business may require; provided that such week do not fall either in the Lussara or Mohurum vacation, or within the period of the half-yearly sittings of the Courts of Circuit; in any of which cases the Court of Foujdarry Adawlut not to be held for that month.

4. That

* Note.—If it should be thought sufficient to vest the power of holding these Courts in particular Magistrates only, a limitation might be inserted, declaring that no Magistrate should be competent to hold them without a Special Commission from the Governor General in Council, revokable at pleasure.

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4. That upon complaint being preferred on oath to the Magistrate, against any person for any crime or misdemeanor, not excepted from the jurisdiction of the Foujdarry Adawlut, the Magistrate, after proceeding as directed in section 5 of Regulation IX. of 1793, to the apprehension of the person complained against, shall, unless he sees reason to make any further previous enquiry, at once make over the case for trial to that Court, summoning the witnesses of the parties to attend at its next ensuing sessions. In all other cases the rules prescribed in section 5 of Regulation IX, 1793, before mentioned, respecting the commitment or release of accused persons, to be considered as in full force.

5. That the Magistrates assistants, invested with judicial powers under Regulation XIII. of 1797, be required to commit all cases examined by them, not being of the nature of those expressly excepted from the jurisdiction of the Court of Foujdarry Adawlut, (and due ground appearing for commitment) for trial to that Court, taking care to ascertain and summon as early as possible the witnesses whom the prisoners committed by them may be desirous of having examined in their defence.

6. That the Magistrates, as Judges of the Foujdarry Adawluts, be authorized to adjourn any trial in which the attendance of the required and necessary evidence, either on the part of the prosecutor or prisoner, has not been obtained, from one monthly sessions to another; provided that such adjournment in the whole, shall never exceed the period of six months.

7. That the Court of Foujdarry Adawlut be declared not competent to try any charge for murder or homicide, of any description whatever; nor any charge for decoiety or gang-robbery, whether by land or water, in case the robbery shall have been attended with the killing, maiming, wounding, burning or torturing in any way, any person not being amongst the persons committing such robbery; nor where the property taken by the robbers shall be of such value, as when divided amongst them, would afford to each to the amount of three * sicca rupees; nor any charge whatever for forgery, perjury or conspiracy; nor a charge for any crime or misdemeanor, although the same be not excepted from the jurisdiction of the Foujdarry Court, if on a consideration of the case, or of the general character of the accused, the Magistrate shall be of opinion, that in the event of the charge being proved against him, he merits a severer sentence of punishment than the power given to the Foujdarry Courts (as specified hereafter) would authorize them to pass.

8. That the Courts of Foujdarry Adawlut, in their mode of proceeding on their trial of prisoners, be guided by the same rules as are prescribed for the Courts of Circuit, as far as the same may be consistent with the difference of the powers and jurisdiction of the two Courts, and under the following limitations and provisions:

1st. The sentences of punishment to be awarded by the Court of Foujdarry Adawlut, in no case to exceed 39 stripes of a rattan, and imprisonment for the term of seven years.

2d. No prisoner to be liable to transporation under a sentence of the Court of Foujdarry Adawlut, unless recommended by the Court of Circuit on a revisal of the trial.

3d. That whenever the Judge of the Court of Foujdarry Adawlut shall disapprove of the futwa of his law officer, he shall not pass sentence in such case, but shall submit the record of the trial to the Court of Circuit at the next ensuing half-yearly sessions, with a letter stating the grounds of his disapproval; and the Court of Circuit, on a perusal of the trial, if it shall appear to be complete, or if otherwise, after hearing any further evidence they may think it proper to call for, shall pass final sentence thereon; unless the Judges of the Court of Circuit should also disapprove of the futwa of the law officer of his Court: to all which cases, section 53 of Regulation IX. of 1793 should be considered as having full application.

4th. That the above rule be considered as equally applicable to all trials in which a difference of opinion may arise between the Judge of the Foujdarry Adawlut and his law officers, on the points specified in sections 54 and 56 of Regulation IX. of 1793.

9. That no law officer of a Court of Foujdarry Adawlut be competent to sit on a revisal of his own futwa, but in the event of any such law officers being officiating as law officer of the Court of Circuit at a half-yearly sessions; and any trial, of the nature above described, being submitted to that Court, the futwa, either of the cauzee or mufty of the Court of Circuit, to be obtained by an application to the Judges at the Sudder station.

10. That no person holding the situation of acting Magistrate, be competent to hold a Court of Foujdarry Adawlut, unless he shall have obtained a special commission for the purpose from the Governor General in Council. In the event of there being no Magistrate at a city or zilla station, and the acting Magistrate not holding such commission, the proceedings regarding persons accused of crimes and misdemeanors, and their trials in case of commitment, to be conducted as if this Regulation had not been passed.

11. That the possible circumstance of there being no case at a Magistrate's station, commitable for trial to the Court of Circuit on the approach of the half-yearly sessions, shall not prevent that Court from proceeding to such station†.

12. That

* Note.—This is something less than the value, as we understand, of ten dirms, required of the Mahomedan law to render a person charged with robbery liable to a sentence of "Hudd."

† It is highly necessary that the Court of Circuit should open its sittings at every station, if only to revise the Foujdarry trials, visit the jails, see that there has been no abuse of the powers here given; or if any should have happened, to bring it forward to public notice.

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Court of Appeal and Circuit, 9 June 1802.

12. That in addition to the calendars which the Magistrates are required to lay before the Court of Circuit, by section 17 of Regulation IX. 1793, they also lay before the Court at each half yearly-sessions, a calendar of persons tried by the Foujdarry Adawlut; showing the crimes or misdemeanors with which the prisoners may have been charged, the dates on which they were preferred, and the sentences passed upon them, with the dates thereof. And if on inspecting the proceedings on the trials, which shall also be laid before them, the Judge of the Court of Circuit shall see any ground to disapprove of any sentence, either for punishment or acquittal, passed by the Court of Foujdarry Adawlut under the proposed Regulation, he shall immediately transmit a copy of the trial in which such sentence may have been passed, with his opinion on the case, to the Nizamut Adawlut, whose order thereupon shall be final.

13. Monthly reports of persons committed to and tried by the Courts of Foujdarry Adawlut, to be transmitted to the Register of the Nizamut Adawlut, the Reports of each month to be dispatched from every station so as to arrive at Calcutta by the 20th of the ensuing month.

Shearman Bird, senior judge.
B. Crisp, - - - 2d judge.
John Fendall, - 3d judge.
James Graham, - 4th judge.'

No. 5.—Extract from a LETTER from Mr. Crisp to the Register of the Nizamut Adawlut; dated the 3d July 1800.

In concluding this Address, I shall beg leave to submit a few remarks on another subject, (not unconnected however with the one I have been treating upon,) the importance of which, appears to me to give it a particular claim to the consideration of Government;—I mean the disposal of the children of the convicts.

These unfortunate beings, from having a free intercourse with their miserable, (though seldom contrite) parents in prison, become habituated to every species of wickedness; and imbibing the seeds of vice in their earliest days, they seldom fail, when grown up, to be as bad as their fathers were before them.

It is melancholy to observe, what great numbers of the persons tried by our Courts for robbery, are married men and fathers of families, and who have not the excuse of indigence to plead in extenuation of their crimes.

This state of things is very contrary, I believe, to what is the case in Europe. In Europe, however, the profession of a robber is not only dreaded, but his person is shunned, unless by those who are directly or indirectly concerned with him. Home he may be said to have none; and it is from the obscure haunts of cities or towns that he generally issues forth. Whereas here, though robbers are dreaded, they are far from being shunned. They have homes, families, often lands and cattle, and are not only associated with, but are frequently men of influence in the villages in which they reside. In short, the disgrace and abhorrence which attends the profession in Europe, is not felt here; and that it is not so, (unwilling as I feel to cast so harsh a reflection on a whole people,) must, in my opinion, be ascribed to the excessive and general depravity of morals, which long observation and acquaintance with them, tells me pervades almost all ranks of the natives of Bengal; a depravity, the source of which must be looked for, in the corruption which has taken place in their religious principles.

This observation will, in my opinion, apply equally to Mahomedans and Hindoos, the former of whom, (I speak here of the lower classes only) have evidently adopted many of the worst parts of the Hindoo idolatry. The robbers indeed of both casts are not only equally unrestrained and unaffected by the terrors of conscience, but actually sanctify their abominable deeds, by the observance of religious rites, consisting of invocations and offerings to the goddess Cali, who they both of them believe, or affect to believe, propitious to their cruel and cowardly enterprizes.

That the blood of human victims is no longer shed at these offerings, I firmly believe may be attributed to the introduction of the present system of police; which, with all its defects, is perfection compared with that which preceded it; and as progressive improvement in this system shall go on, in shutting still closer the avenues of escape, and in deterring men from the commission of crimes, by not only insuring punishment, but by making the guilty feel that punishment in its utmost severity, it may reasonably be expected, that in a few years more, the inhabitants of these provinces will enjoy in a large degree the blessing of security in their persons and property. But to lay the axe to the root of the evil, would probably be to produce a total change in the system of education in this country; a measure of infinite difficulty, and which, from the obstacles which oppose its execution, must even, if attempted, be very tardy in its operation.

As a step, however, towards such a plan, as well as immediately to rescue one class of beings from the general contagion; and which of itself may have some happy effect towards the attainment of the great object of police, I recommend that Government assume a right, which I think cannot be questioned, of disposing of the children of convicts, in such manner

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manner as to prevent them (with such exceptions and qualifications as may be found requisite,) from having any intercourse with their degraded parents, until they arrive at a certain age; and on a plan which, under the direction of proper guardians and overseers, shall insure a probability of their being brought up in the paths of righteousness (whatever be their religion,) and in habits of industry, which will enable them to gain an honest livelihood when arrived at years of discretion.

(A true Extract.) *S. Bird*, senior judge.

To His Excellency the Most Noble MARQUIS WELLESLEY, K. P. &c. &c. &c. at Benares.

My Lord,

I HAVE the honour to transmit to your Lordship a copy of my reply to the Interrogatories transmitted to me by the Secretary to the Revenue and Judicial Department, regarding the internal state of the country.

I have the honour to be, with the greatest respect, my Lord,
Your Lordships most obedient humble servant,

City of Dacca, the 9th December 1801. *J. Melvill*, judge and magistrate.

(Copy.) To G. Dowdeswell, Esq. Secretary to the Government, in the Judicial Department, Fort William.

Sir,

I HAVE the honour to transmit to you, the following Replies to the Interrogatories received with your favour of the 29th ultimo.

INTERROGATORIES:—1. What is the number of causes now depending before you, before your Register, and the Native Commissioners?

ANSWERS:—1. The following is a List of the number of causes depending on the 30th of September, in the city of Dacca Court:

211 - - - Original suits.
83 - - - Appeals from the decisions of the Register.
36 - - - Appeals from the decisions of the Native Commissioners.
330 Total causes depending before the judge.

222 - - - Original suits,
64 - - - Appeals from the decisions of the Native Commissioners.
286 Total causes depending before the Register.
316 Total causes depending before the Native Commissioners.

932 Total causes depending before the city court.

2. What proportion does the number of causes now depending before the tribunals of the Judge, the Register, and the Native Commissioners, bear to the number of causes usually depending during the several years commencing from the year 1793 to the present period?

2. I cannot find in the office the copies of the accounts exhibiting the number of causes depending on the several dates, 1st January 1794, 1st January 1795, and 1st January 1796; but from those of the subsequent five years, it appears that the number of causes now depending before the three tribunals of this city, is about one-tenth part greater than the medium number of those five years; the reason of which will be hereafter assigned.

3. What number of causes was decided in the past year by you, your Register, and by your Native Commissioners?

The following is a List of the number of causes decided between the 1st of January and the 30th of September last, in the city court; a period of 12 months has not been taken, because the Judge was absent, employed on deputation.

91 - - - Original suits.
13 - - - Appeals from the decisions of the Register.
25 - - - Appeals from the decisions of the Native Commissioners.
129 Total decisions by the Judge.

196 - - - Original suits.
29 - - - Appeals from the decisions of the Native Commissioners.
225 Total decisions by the Register.
686 Total decisions by the Native Commissioners.

1,040 Total decisions in the city court.

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4. What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the Native Commissioners; and what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced?

On examination, it appears that 844 is the medium number of causes which, for the last five years, have usually been depending before the City Courts; and that there were 932 causes depending on the 30 September last. It is to be remarked, that it is of late years only that regularity in the trial of suits has been established; and that formerly, in cases of complaint in general, though some composition took place which at the time appeared to reconcile the parties, yet permanent adjustment was not always effected, and most frequently the exhibits of the claims were not delivered up, and an enquiry into the nature of the causes of action which have of late years been brought before the Courts, would perhaps prove the majority of those suits to have originated more from such apparently dormant claims than from circumstances giving rise to new causes of action; besides, it must be observed that the majority of suits brought before the City Court, is for the repayment of loans of money; that the present reduced rate of legal interest of money is far below what, in the sentiments of the inhabitants, it ought to be, and perhaps very much under the real value to be derived from the use of money; that in the interior, people are unwilling to lend their money on the best security, even at the rate of legal interest, and the penalties (should the case come before the Court) attending the taking more than the legal interest, are severe; loans therefore will be granted to those only on whom the lender thinks he can depend on for the performance of secret articles of agreement, and amongst a people rather remarkable for want of faith, this number cannot be supposed to be very great: from what has been already observed, it may perhaps be inferred that fewer complaints will in future be brought into Court; besides which, the circumstance of the City Judge having been a long time absent, employed on deputation, by lessening the number of decisions, consequently prevented a decrease in the number of depending causes. From a consideration of all these circumstances, I do not therefore estimate the number of causes necessarily to be depending before the City Court in future, at above one half of the present number.

5. Are you prepared to suggest the establishment of any rules which, (consistently with a due administration of the laws) would expedite the decision of suits? Are you of opinion that this object would be in any degree promoted by leaving it optional in the different tribunals to commit the depositions of witnesses in causes not appealable to a higher tribunal, to writing, or not, as the Judges might think proper?

I am of opinion that if particular points in a defendant's answer to a plaintiff's demand were necessarily to be (as is the practice of the Court of Chancery in England) given into Court on oath, or on the prescribed declaration, which is equivalent to an oath, the decision of suits would be greatly expedited, and that other great advantages would result from such rule being established. But I do not recommend the leaving it optional in the different tribunals to commit the depositions of witnesses to writing or not, as the Judges might think proper, because I apprehend that in the interior the dangerously prevailing practice of perjury may have been encouraged by the hasty or careless examination of witnesses, and am convinced that by impressively cautioning witnesses before they begin to deliver their evidence, and by taking down their depositions with strict attention, the occurring of that hateful crime will generally be prevented.

6. Are you of opinion that it would be advisable to extend the jurisdiction of the Native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding rupees 200? What is the amount to which you would recommend the jurisdiction of the Courts of Commissioners, and of the Registers, should be extended; and to what degree would the general administration of justice in the city subject to your jurisdiction be expedited, by the adoption of this arrangement?

I think the general administration of justice in the city would be much expedited by extending the jurisdiction of the Native Commissioners to all such suits under 100 rupees, and that of the Register to all suits under 400 rupees; by particular points in the defendant's answer being necessarily delivered into Court under the prescribed declaration, and by the Judge being vested with the same authority respecting the execution of decrees for personal property passed by the Register, that he is respecting those passed by the Native Commissioners, or rather by a declaration declaring that an appeal in such suits, though admitted, should not stop the execution of the decree. I have added this proposal from a persuasion that almost one half of the appeals from the decisions of the Register, are made solely on the grounds of stopping execution.

7. Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the Stamp Duties? Do you consider these several charges attending the institution of Law Suits to be too considerable, or otherwise?

I conceive that litigation has been very much checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits, and of the Stamp Duties, but I am of opinion that the charges will soon

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be found to be rather too considerable, and that it may be proper, for several reasons, to prohibit the taking fees on any exhibits except on those for the citation of witnesses.

8. Do the fees paid to the licensed vakeels on suits instituted or defended by them, constitute a sufficient inducement to men of character and of proper qualifications to undertake those situations; are the vakeels attached to your Court, persons of the above-mentioned description, and are they in general well acquainted with the printed Regulations?

Although the fees paid to licensed vakeels are very considerable, and are doubtless a great inducement to men of character and qualifications to undertake the situation, still, however, the strong prejudices which formerly existed against the profession, are not yet entirely got over. Some of the vakeels attached to the City Court, are of the description mentioned, and are acquainted with many material points in the printed Regulations.

9. Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

The establishment of licensed vakeels, in my opinion, has contributed greatly to bring suits more expeditiously to a fair issue.

10. Do the vakeels in general discharge their duty to their clients with honour and fidelity?

I am of opinion that the vakeels in general do discharge their duty to their clients with honour and fidelity; and I once witnessed a kind of sentiment of honour for their profession, in their showing a disposition to prosecute a member for a breach of professional duty.

11. Are the principal inhabitants of your jurisdiction as well acquainted, as individuals in general can be supposed to be informed of the laws of the country?

Many of the principal inhabitants are tolerably well acquainted with the laws respecting the punishment of crimes; and those who frequent the Court have some general notions respecting the rules which guide decisions in civil suits.

12. Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

The alteration in respect to the answer of the defendant, and which I have already mentioned, is the only one which I should propose.

13. Have you in your Court-room any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court, or sitting in it?

In my Court-room there is a bench for the Judge, at the side of which there are chairs for the two law officers a little lower; and a little in front of the Judge's bench there is a table for the officers of the Court; and directly in front, at the distance of about fifteen feet, a place is specially allotted for the parties or their vakeels; and on each side of the Court-room there are benches for the rest of the authorized vakeels, or any creditable persons who chuse to come into Court; some persons stand in the Court-room, and in an adjoining gallery there is a long bench for the use of others. The witnesses remain under a shed below stairs until they are called up to deliver their testimony. On Court days, when the officers are assembled, and the Court ready to be opened, the Nazer or Sheriff comes into the Magistrate's room to inform me thereof, after which I enter the Court-room at the side where the Judge's bench stands, and when I am seated, the officer whose business it is calls out the cause first for hearing.

14. Are there any private schools or seminaries in the city under your jurisdiction, in which the Mohummudan or Hindoo Law is taught; and how are those institutions maintained?

Molavy Assud Ullah is the name of the last public professor who taught in Dacca; he had a salary from the Mogul Government, of sixty rupees per month: at his school, which was held in a lofty musjid in the Laal Baug, the youth were taught the Arabic language, logic, metaphysics and law. He died about forty years ago, and since that period the custom has been as at present; learned men are requested by friends, or solicited by the boys themselves, to instruct them in the principles of the Arabic language, and of the Mohummudan law, and learned men who have leisure have generally two, three or four scholars, and if they have the means, it would be considered a want of liberality if they did not also give to the boys two meals a day, paper and ink, a sheet, a pair of trowsers, and a cap twice a year, and a warm covering for the cold season. This custom perhaps took its rise from the circumstance of such being the terms on which formerly the professors, who received a salary from Government, held their appointments.

15. What is your opinion regarding the general moral character of the inhabitants of your city? Has the moral character of the inhabitants in general been improved, or otherwise, by the system established by the British Government for the administration of laws, and for the conduct of the internal administration of the country?

The inhabitants of Bengal in general, have that excessive feebleness of mind, which far from resisting, appears to foster the baser passions, and in the criminal indulgence of

which every moral principle seems to be forgotten; but I must admit that the inhabitants of Dacca are submissive to authority, and that in this city, crimes of enormity are not at present prevalent; however, such of the inhabitants as can afford to be expensive, are in general dissolute, but this looseness in their manners, I am informed, is a recent acquirement, and they date the acquisition at a period of sixteen years ago, when the Nabob Sadut Ally, the present vizier, accompanied by a train of profligate citizens of Lucnow, paid a visit to the Dacca Nabob; and I have been told that the followers of this prince passed a period of four months in this city in the most profligate manner. However, if improvement in the general moral character of the inhabitants of this city, may be inferred from a general decrease in the number of persons committed for trial, and particularly in an astonishing decrease in the number charged with the more atrocious crimes of murder and robbery, then the accompanying paper marked A, will exhibit this to have been the case within these last twelve months, viz. the period between the 1st of November 1800, and the 31st of October 1801.

16. Are you of opinion that the inhabitants in general of the city under your jurisdiction consider their private rights and property to be secured, by the present constitution of the country, against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

I am convinced the inhabitants of this city do consider their rights and property well protected by the present constitution of the country.

17. Are you of opinion that the city under your jurisdiction is in a state of improvement, or otherwise, with respect to its population, and commerce, and its buildings, or other works for religious, domestic or other purposes; and on what grounds do you form your opinion?

The city of Dacca I apprehend to be in a declining state in its population and commerce, and in its buildings. My opinion is founded on the universal sentiment of all who might be supposed to know, and on the incontrovertible appearance of the city itself; the limits are contracting, very few new buildings are erecting, and numberless old ones are crumbling into ruin; and if such direct proof could require any collateral evidence to confirm it, we might look for such in the great emigrations which took place long ago, on the removal of the seat of Government, and of a more recent date, when the revenue which used to be paid at Dacca, became to be received at other stations; and still more recently, that which took place soon after the passing of the Regulation respecting interest of money, and these the moneyed people taking with them their wealth, carried off the stock which the merchant used to trade with, and thus, perhaps, occasioned a double emigration; the rising greatness of Calcutta may also be a cause; the war too, independent of the decrease in the Company's investment, has had a serious effect on the commerce of the city of Dacca.

This is the second time that I have stated apparent bad effects to have resulted from the Regulation respecting interest of money; but at the same time I do not hesitate to declare, that it is evident to my mind, that if that Regulation had not been made, there would have been no purchasers of revenue lands, and the greatest inconvenience would have resulted to Government; that danger removed, it would perhaps be advisable to allow the parties to give and receive such rate of interest as they themselves thought proper; but in case of any dispute arising, and the case being brought before a Court, the Court should allow no more than twelve per cent.; but in all cases it should allow twelve per cent. and more having been taken, or attempted to be taken, should not forfeit the principal.

18. Are you of opinion that the inhabitants of the city subject to your jurisdiction are in general satisfied with the British Government?

The inhabitants of this city in my opinion are, generally speaking, satisfied with the British Government.

19. Is the present system of police well calculated to ensure the apprehension of offenders?

I do not think the police efficient in ensuring the apprehension of thieves, and the recovery of stolen property; and perhaps it would be advisable to order all purchasers of second hand articles, all sellers of unredeemed pledges and pawn-brokers to take out licenses; and it might also be advisable to give to all persons bringing information where stolen goods were deposited, the 10 per cent. on the recovered value which darogahs by the 18th section of the 22d Regulation of 1793 are entitled to receive.

20. Are the police establishments in the city subject to your jurisdiction, adequate to the duties required of them?

The police establishments in the city of Dacca appear to me sufficient, though I should recommend that the maldarens should receive small wages as servants of Government.

21. Are you of opinion that the number of crimes committed annually in the city under your jurisdiction, has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

The number of crimes committed within the city has decreased within these twelve months astonishingly, vide N. 15, and it may perhaps be greatly the effect of Regulation VI. of 1800.

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22. What crimes of enormity are most prevalent in the city under your authority; what is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

Theft is the most prevalent, and the measures to prevent it are mentioned in No. 19; the horrid crime of perjury has also been hitherto too prevalent; there has not however any instance occurred within the last four months, and much it is to be desired that it is prevalence should be checked; the being liable to suffer inconvenience and disgrace from the effect of false oaths, is perhaps part of the system established by the British Government for the administration of laws, which the natives of high rank and education dread and dislike. And to prevent the prevalence of this hateful crime, I know of no other means than great care in the taking of depositions, and watchful rigidness in committing all offenders, in order that the salutary regulations respecting such criminals may be carried into effect.

23. Do the inhabitants in general of the city subject to your jurisdiction, keep arms in their houses? What description of arms do they retain; and for what purpose are the arms retained?

The wealthy inhabitants, and those indeed who have any thing considerable to lose, keep swords, matchlocks, and sometimes muskets in their houses; the purpose for which they are kept I consider to be that of their being possibly accessary to the preservation of their property.

24. What proportion do the Hindoo bear to the Mohummudan inhabitants, in the city subject to your authority; and what do you suppose to be the number of the inhabitants of your city, of all descriptions?

The proportion of Mohummudan to Hindoo inhabitants, is estimated at 145 to 130; and I suppose the number of inhabitants in the city of Dacca to be upwards of two hundred thousand.

25. What are the names of the persons possessing the highest rank and the greatest opulence in the city subject to your jurisdiction? What number of followers, armed or otherwise, are they supposed to maintain in their service; and do they appear abroad with such followers armed?

The accompanying Paper marked B. contains the particulars required in this article.

26. Are there any persons in the city subject to your authority, supposed to be disaffected to the British Government; what are their names; and to what means do you resort for superintending their conduct? Have these persons any influence in the city, and to what extent?

I do not know of any person within the city of Dacca, ostensibly disaffected to the British Government; I might on occasions obtain necessary information from some of the Maldarens, but I depend on receiving it at all times from some particular public servants of observation and fidelity. The rest of this paragraph is replied to in paper marked B.

27. Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

There cannot be a doubt but that such a measure would contribute in the greatest degree to strengthen the attachment of the natives to the British Government. The natives of this country are passionately fond of such distinctions, and their feelings are at no time so much hurt as when they see individuals of no learning, and of the lowest rank, by the mere possession of money, presuming to ride through the streets in a palankeen, and attended by a numerous retinue; and they are probably the more hurt, from such practice being a modern innovation, as formerly such indulgencies and symbols of dignity could not be assumed, and were enjoyed by express permission of the ruling power only. There doubtless exists in the minds of the inhabitants, a persuasion that their rights are protected by the present Government. Opinion of the right to power, too, in the British Government, is ingrafted, and fast establishing; so long possession has, in the apprehension of the people in general, begot a title independent of present possession. The title is not now a disputed title; and our laws and regulations have certainly tended to annihilate the existence of all improper influence in natives of high rank.

28. What is the state of the roads, bridges, and other public works in the city under your authority; and at whose expense are they kept in repair?

The principal roads are in good repair, as are several of the bridges; but others have fallen into decay. Government has hitherto borne the expense; individuals do not contribute to the support of such works.

29. How are the convicts in the city usually employed; and is there any manner of employing them which appears to you preferable to the manner in which they are at present employed?

The convicts are usually employed in repairing the roads in and about the city; and they are at present engaged in smoothing and making neat and commodious the passages to the different ghauts or terries of the town; and I am of opinion that in a city, they can at no time, in no way, be more usefully employed than in works of that nature. There is nothing which appears so generally gratifying to the inhabitants; they show a lively sense of the comfort, greatly beyond what might be expected from their general apathy.

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30. What is the state of the jail in your city?

The jail of this city appears to be in a durable state.

31. Are there any new Rules or Regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

Such as have occurred to me, will be found in different parts of my answers to the present queries.

32. What has been the operation of the last Regulation respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes now levied on spirituous liquors, have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

I consider the different rules contained in the last Regulation, respecting the tax on spirituous liquors, as having been productive of the greatest improvement in the police of the city.

33. Do any measures occur to you, the adoption of which, would in your opinion contribute progressively to the improvement of the moral character of the inhabitants of the city?

Two public professors of law in the pay of Government, on the former footing, as already mentioned; a wyer or preacher, or public lecturer on morals, receiving (as heretofore) a salary from Government; authority and great encouragement given for the adjustment of petty disputes and quarrels through the means of punche or panchants of the lower ranks both of Hindoos and Mahommedans.

34. In your opinion, what has been the effect of the Regulation, which declares persons convicted of the crime of perjury liable to be marked in the forehead?

The best effect; and it is a law universally applauded.

35. What has been the operation of the punishment of transportation introduced by the British Government?

The most favourable that could possibly have been looked for; and it is lastingly acting.

36. Are you of opinion that the Mahommedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity, or with too much severity; and what you suppose to be the consequences produced by the operation of the spirit in which the criminal law is in your opinion administered?

Some of the Judges are apparently more lenient than others are; and I am of the opinion which I observe to be the sentiments of the natives, that being too lenient to persons of bad character, has seldom a good effect.

37. What is the nature of the general conduct of the Europeans, not in the service of the Company, who reside within your jurisdiction?

The general conduct of the Europeans, not in the service of the Company, residing within the city of Dacca, as far as it has hitherto come under my observation, has been exemplary proper.

38. What is the general condition of the weavers and other manufacturers in your jurisdiction; are the existing Laws and Regulations well calculated for ensuring justice to the weavers and manufacturers, in their dealings with the officers of the Company, and with private European merchants; and also for enabling the officers of the Company, and the individual European merchants to obtain from the weavers and manufacturers, the punctual performance of their engagements for the provision of goods?

I am apprehensive that the manufacturers of this city, speaking generally, are rather in an impoverished and impoverishing state; and amongst the weavers in particular, I learn that the number unemployed has of late years greatly increased, advances not being entrusted with such as ostensibly have no property, by which means a state of poverty is soon succeeded by a state of nearly total ruin. I have not hitherto had any complaints preferred to me by the weavers, against the commercial resident of this city, and I know that the channel to freedom of complaint is watchfully kept open, and I believe an universal persuasion prevails, that the right which is shown will be supported.

I have the honour to be, Sir,
Your most obedient humble servant,
(Signed) *J. Melvill*,
Judge and Magistrate.

City of Dacca,
the 23d November 1801.

(A true Copy.)

J. Melvill, Judge and Magistrate.

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(Copy.) [Paper marked A.]

LIST of Commitments for Trial before the Court of Circuit in the City of Dacca, from the month of April 1793, to the 31st October 1801; specifying the Number of Persons tried for each particular crime, within particular specified periods of the above-mentioned time.

	Number of Persons tried for Murder.	Perjury.	Robbery.	Burglary.	Arson.	Theft.	Rape.	Frauds.	Receivers of Stolen Goods.	Plundering and assaulting, &c. breaking the peace.	Forgery.	Total Persons.
From April 1793 to June 1794 - - -	8	6	- -	1	1	15	-	5	3	4	-	43
From June 1794 to June 1795 - - -	9	- -	- -	2	-	1	-	1	-	- -	-	14
From July 1795 to October 1796 - -	4	5	- -	-	-	50	-	-	4	5	2	70
From October 1796 to 13 December 1797 -	1	10	- -	-	-	46	2	-	5	5	8	77
From 14 December 1797 to December 1798 -	- -	6	8	-	1	42	-	3	6	4	-	71
From 1 January to 1 November 1799 - -	2	6	18	-	-	43	1	2	3	10	1	86
From 1 November 1799 to 1 Nov. 1800 -	6	11	9	-	1	39	-	1	3	8	-	78
From 1 November 1800 to November 1801 -	1	8	- -	-	2	16	-	6	5	4	-	42

(A true Copy) *J. Melvill*, Mag^te.

(Copy).—[Paper marked B. Referred to in Paragraph 26.]

Nabob Nusserut Jung,—Of irreproachable manners, most desirous of being respected, and seems to consider his being on a good footing with the English as essential to his being respected.

Meere Mahummud Ally, Meere Mahummud Hafeez, Meere Fuzn Ally.—Learned and good men, grandsons of Meere Taaje Uddeen Sndnooss Sadoore; not wealthy, but considered and respected as the Chiefs of the Sheaks in this city.

Mirzah Boollah,—Brother to the Poorneah Nabob; receives a pension from Government.

Kyan Ally Rhan, Roshnn Ally Rhan.—Descendants of the Nabob Shahesteh Rhan; on that account only respected: they are very poor.

Meere Hussein,—Married into the family of Synd Ally Rhan Ghunnah; of some wealth.

Mirza Assud Ullah,—Called Agha Nabob; of family; aged, and in reduced circumstances.

Mirza Mahummud,—Rich, but not respected.

Molavy Burkatoolah,—Very rich, but far from being respected.

Mahunmadeen,—Son to Shah Noorey, who was eminent for piety; he has no wealth, but is much respected.

Haffiz Ashriff Rahn, Mah^d Afzul Khan.—Sons of Molavy Sharafut Rhan: they are possessed of some wealth; are Sonnies.

Mizah Buday,—Wealthy; formerly dissolute; not much respected.

Meere Ashriff Ally,—Was formerly wealthy; a man of pleasure, and seems to court popularity.

Meere Moheb Ulla,—Of some property.

Mirza Juboo and his brother,—Were left considerable fortunes, but are dissipated, and have lost all claim to respect.

Mirza Jaffier,—A rich respectable merchant.

Mirza Rurreem Ullah Beig,—Rich, but not respectable.

Kishen Chunde,—Wealthy.

Anoop Chunde Lahorey,—Respectable.

Jeeoon Baboo, - -	Wealthy.	Lawlah Narrain Sing, -	Wealthy.
Toolsheram, - - -	Ditto.	Harry Rishen Doss, -	Ditto.
Noornaram Ghose, -	Ditto.	Uddoo Baboo, - -	Ditto.
Lawlah Ram bux, -	Ditto.	Boodah Sahoo, - -	Ditto.
Lawlah Dal Sing, -	Ditto.	Rajeb Lochnn, - -	Ditto.

The

No. 14.

Answers by the JUDGES.

Dacca Division.

City of Dacca, 9 & 21 Dec. 1801.

The Nabob Nusserut Sung has about 400 servants; and when he goes out, is generally attended by six troopers, six spearmen, and about forty unarmed followers.

The other persons mentioned have each from ten to fifty servants: they formerly used to be attended by a good many armed followers; but immediately after the apprehension of Shumsh Uldowlah they apparently of themselves discontinued the practice of allowing their followers to go about armed; and of late they have very much reduced the number even of their suites. They have for some time past been aware that, without the authority of Government, it must, according to former custom, be considered assuming; and for many months past their suite has been from one to four or five persons at most unarmed.

J. Melvill, Magistrate.

To the Most Noble MARQUIS WELLESLEY, K. P. &c. &c. &c.

My Lord,

IN conformity to the orders of Government, under date the 3d instant, I have the honour to transmit to your Lordship a copy of a letter of this date, which I addressed to the Secretary to the Government in the Revenue and Judicial department.

I have the honour to be, my Lord,
Your Lordship's most obedient humble servant,
J. Melvill, Judge and Magistrate.

City of Dacca,
21st December 1801.

(Copy.) Dacca, 21st December 1801.

Sir,

IN elucidation of the measures recommended by me, and in continuation of my answer to paragraph 33d of the queries received with your letter of the 29th October last, I wish to add, that the lectures of the moralist, it may be thought, will be little attended to, and the love of learning will act upon the comparatively few only, and therefore that it is visionary to expect any general effect from such partial causes; and I can only in answer say, that from the known disposition of the natives, it may with certainty be presumed that such lectures will be crowdedly attended, and it may reasonably be hoped with advantage to the auditors; and if it is matter of policy the having such professors servants of the Government, my opinion is, that independent of that policy, the establishment of a lecturer on morals in cities will become an institution productive of general good; and though it be true that leisure and independence are requisites in the cultivating a taste for letters, and that these advantages do not fall to the lot of the many, yet in general the higher ranks of the Mahommedans express great regret at the want of proper seminaries and opportunities to render their children learned men: they say is was part of the school discipline to make the scholars live on the most simple and frugal repasts, and that after having learned the rudiments or first principles of the sciences, the school discipline was succeeded by close application in retirement, and that this system of education had great effect on the moral character.

It is not to be doubted that in this country the acknowledged possessors of superior learning receive almost universal homage; and with the people it is an established sentiment, that the most learned men are the least dissipated, as well as most virtuous; and in such case, the effect of the example of virtue in such men, on those of inferior conditions, will perhaps be found to be much greater and more widely extended than might at first be imagined.

But as to the smaller schools where boys are taught to read and write the Persian and Bengal languages, these require no support from Government; there will always be a sufficient number of these schools, and indeed it will perhaps be thought that there may be too many, when it is recollected that the poor possessor (if a Hindoo) of this acquirement, becomes thereby, according to established opinion in Bengal, so much exalted, that it would be a degradation to him to be employed in any mechanical art, or even to touch the plough.

I have said that authority and great encouragement should be given to procure an adjustment of petty disputes and quarrels, through the means of punchants: this mode of arbitration, for in the present sense it is nothing more, was formerly almost universally practised; and it has not only the sanction of established usage in its favour, but the members of such tribunals being as it were pointed out for the office by their established characters, and by the acknowledged sentiment of the whole of their society, the decision is at once acquiesced in, and becomes happily unquestioned. But to estimate fairly the great advantage to be derived from this mode of adjusting disputes and allaying animosities, it must not be disguised, and cannot have escaped the observation of all who have had an opportunity to remark it, that litigation in petty disputes is at present practised, is a source of general unhappiness, and the parent of multiplied crimes. The religion of the Hindoo, while it strongly enjoins marriage as a sacred duty, as strongly reprobates as a criminal the person who marries before his elder brother or sister; and their laws ordain a division nearly equal amongst the sons of a family, should they separate, of all the property real as well as personal. It would seem then, as if self-interest and religious tenets had been intended to act as instruments to prevent the separation of brothers, and to promote the happy practice of their

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their living together on a joint common stock; but the excessive feebleness of mind of the inhabitants of Bengal, renders them easily irritated and unable of themselves to resist the first impulse of the baser passions of malice and mean revenge; and unhappily they find in the constitution of our Courts, an instant means of gratifying the first impulse of their own passion, and of provoking the sharp resentment of their adversary; because there is an imbibed sentiment, as well as feeling, that disgrace is incurred in being laid hold on by a peon and brought before a Court; and if the parties happen to be brothers, which is frequently the case, a separation will ensue; and as one provocation leads to another, the most trifling occasion may have thus become a certain means of bringing unhappiness to a whole family, and not unlikely the source of the commission of many crimes.

The natives, however, though thus the sport of passion, and fond of litigation, when the case is their own, are in their sentiments adverse to the principle of litigation, and strongly inclined to the appeasing of differences between others.

I have heard some persons object to punchants, because they have known of unlawful combinations under that name; but this, I should observe to them, is speaking of a different matter; and a Magistrate would surely not do his duty who did not prevent such combinations; besides, the very circumstance of giving a declared authority to punchants in a particular character, in prescribed cases, is perhaps a tacit interdiction of their authority in others. I will now conclude by observing, that amongst the lower ranks, the greatest portions both of industry and virtue, will assuredly be found with those where the established rules and authorities of their tribes are most respected.

I have the honour to be, Sir,
Your obedient humble servant,

G. Dowdeswell, Esq. Secretary to the Government, Rev. and Pub. Department.

J. Melvill, Magistrate.

To His Excellency the Most Noble RICHARD Marquis WELLESLEY, K. P. Governor General in Council, &c. &c. &c.

My Lord,

IN obedience to the orders of Government of the 29th October last, I have now the honour to forward my Reply to the Interrogatories therewith transmitted. I fear it may not be thought so full and particular in some points as perhaps is expected, and I am sensible that it does not contain all that might be said on several questions; but as an apology for its defects, I take the liberty to state, that I have had but little time, since I was nominated to this district, to turn my mind to the framing of regulations, as my attention has been fully occupied by official (and in some measure extra) business, ever since my first arrival in the zillah. When I took charge of the office, I found an immense accumulation of Fouzdarry business, occasioned by my predecessor's sending out a girdwar, who apprehended upwards of 350 persons, whose examinations occupied both the acting Register's and my own time most fully for several months: before this was finished, an order was passed for the removal of the Sudder station to Burrishol, the carrying which into effect, by clearing away jungles, erecting jails, buildings, &c. and laying out a new town, has taken up all the time and attention I could spare from official avocations, to this moment; so that, though I have had every inclination to take minutes, and propose amendments, where I found the Regulations deficient, I really have been unable to find time. I proposed drawing out, for my own use, an abstract of the Regulations under different heads, on the plan of Burn's Justice, which would have enabled me to reply satisfactorily to the present orders, but was obliged to postpone the undertaking, for want of time; I therefore hope that your Lordship will not judge of my diligence from my present defective reply only, but will weigh the obstacles which have arisen to oppose my endeavours to obtain your approbation. Such new rules as have occurred to me to be necessary, I have stated in their proper places. Those in the answer to the 33d question, though drawn out in sections, are merely a sketch for a Regulation, and not so regularly worded as would be necessary for printing, if approved. Some modification of them might be made, and further Rules added, to render them more beneficial; but being fearful of further delay, I am obliged to submit them in their present state. I however hope that the Reply, though deficient in some points, from being written amongst sundry busy employments of surveyor, architect, &c. in addition to my judicial avocations, may not be deemed totally useless; and that your Lordship will believe my greatest wish is to give satisfaction to, and obtain the approbation of Government, by a faithful and diligent discharge of my public duty.

I have the honour to remain, with respect,
Your Lordship's most obedient humble servant,

Zillah Backergunge, 7th January 1802.

J. Wintle, Judge and Magistrate.

REPLY

No. 1.

Answers by the JUDGES.

Dacca Division.

Zillah Backergunge 7 January 1802.

REPLY of the Judge and Magistrate of Zillah Backergunge, to the Interrogatories of Government, of the 29th October 1801.

Question 1st.

Answer.—The number of causes depending on the 31st December 1801, was as follows; viz.

Before the Judge	117
Ditto - Register	315
Ditto - Native Commissioners	1,274
TOTAL	1,706

Question 2.

Answer.—The Civil Courts of this zillah were not established until April 1797. The number of causes depending at the end of each year, is inserted underneath; which will show the proportion those now depending bear to former years; viz.

	1797. On the 31st December.	1798. On the 31st December.	1799. On the 31st December.	1800. On the 31st December.	1801. On the 31st December.
Before the Judge	276	269	220	384	117
- D° - Register	260	290	121	40	315
- D° - Native Commissioners	133	160	759	2,461	1,274
TOTAL of each year	669	619	1,100	2,885	1,706

Question 3.

Answer.—The number of causes decided in the past year (1801) is inserted below; but they fall short of what may be decided when the Judge holds regular Courts. The Judge's Court was not opened till my arrival on the 25th February, as I was not allowed to leave my former station for some months after my appointment to this zillah. From May to September inclusive, four Court days also in each month were lost, by my being obliged to come once a week to Burrishol, to look after the works carrying on at the new station. The Judge's Court was besides shut during the months of November and December, on account of the removal of the station, to enable the omlah vakeels and pleaders to erect habitations at the new residence, and to give time for removing the prisoners, cutcherries, &c. The number of causes decided was as follows: in which statement I have thought it proper, for the information of Government, to insert causes disposed of by nonsuit, &c. and other business that is not brought on the regular file; viz.

Tried by the Judge:

In appeals from the decision of the Register	49	
Ditto - - ditto - - Native Commissioners	3	
		52
Decreed on Trial	46	
Dismissed on Nonsuit	80	
Adjusted by Razeenomah	10	
		136
Total		188

By the Register:

Decreed on Trial	187
Dismissed on Nonsuit	146
Adjusted by Razeenomah	38
Total	371

By the Native Commissioners:

Decreed on Trial	63
Dismissed on Nonsuit	2,467
Adjusted by Razeenomah	1,204
Total	3,734

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Zillah Backergunge, 7 January 1802.

REMARKS.

Besides the above, 338 summary causes, according to the 7th Regulation of 1799, 49th Regulation of 1795, and 6th Regulation of 1800, were decided by the Judge.——N. B. The number of Commissioners were not complete previous to my taking charge.

Question 4.

Answer.—The number of causes that must necessarily be depending cannot be stated with any certainty, because though a pretty exact calculation may be made of the number that ought to be decided, the question must in a great measure rest on the number of suits instituted annually, which may vary exceedingly. This Court having been established but a few years, the number of causes filed has annually increased, particularly in the past year, and may still increase. But as it is necessary to have recourse to some criterion to form an opinion upon, I think the past year's file (or 1801,) the properest to go by: agreeable to that, I conceive that supposing the three Tribunals to be regular, and attentive in the discharge of their duty, there must yet necessarily be about the under-mentioned number of causes always in arrear, or nearly six months business, that is to say, that a suitor may obtain a decision in six months from the period of instituting his suit; viz.

Before the Judge - - - - - -	60.
Ditto Register - - - - - -	310.
Ditto Native Commissioners - - -	900.

The various official business the Judge has to perform, prevents his giving his attention solely to the decision of regular suits. The reason of the number of causes now depending not being reduced so low as they might have been, is principally to be ascribed to the causes mentioned in the answer to the 3d Question; which however were temporary and not likely to operate hereafter.

Question 5.

Answer.—The following Rules occur to me as calculated to expedite the decision of suits; and by first stating the causes that operate to the impediment of speedy decisions, Government will be better able to judge of the eligibility of their adoption. That object would undoubtedly be promoted, by leaving it optional in the different Tribunals to commit the depositions of witnesses in causes not appealable to higher Tribunals, to writing or not, as the Judges might think proper; but at the same time I doubt whether it might not be productive of more evil, than the inconvenience at present felt from delay. The causes that impede speedy decisions are as follows; viz.

1st. That plaintiffs almost invariably omit to deliver in a list of the witnesses they mean to summons, until the day that the cause is set down for hearing; and the same negligence takes place on the part of most defendants.

2d. That both plaintiffs and defendants almost always summon a greater number of witnesses than necessary (who are mostly unacquainted with the objects of the cause) with a view to delay and procrastination; and whose depositions and examinations uselessly engage much of the Court's time and attention.

3d. That plaintiffs and defendants frequently omit to take out their subpœnas for witnesses when ready.

4th. That when causes come to be tried, the parties frequently omit to have the necessary vouchers and papers in readiness to substantiate their complaints, or defence, and often make use of this plea in order to create delay, as a plaintiff sometimes thinks it for his advantage so to do.

5th. That witnesses, when about to be subpœnaed, frequently secrete themselves; and often when served with the summons, omit to attend the Court, to the impediment of justice.

6th. That it is necessary the Court should have the power to punish witnesses for contumacy, without the formality of the oath required from the plaintiff under 6th section 4th Regulation of 1793, which clashes with the prejudices of the Hindoos, and checks that obedience to the Courts which witnesses ought to observe.

7th. That the Judges jurisdiction in regard to suits for landed property, is too confined at present for the ends of speedy justice.

With a view to rectify these defects, I would recommend the adoption of the following Rules; viz.

First. That if plaintiff does not deliver in a list of the witnesses he wishes to bring, or be summoned to prove his claim in three days after the rejoinder is filed, his cause shall be nonsuited; and if defendant does not deliver in a list of the witnesses he means to bring, or wishes to have summoned to controvert the complaint against him, in three days after filing his rejoinder, the cause shall be tried and determined on the evidence of the plaintiff's witnesses only.

Second. That neither plaintiff nor defendant shall be allowed to produce more than four witnesses each, in any suit that consists of one demand or cause of action only; or in suits that consists of several demands, more than two to each demand; unless the Court should deem further witnesses necessary, in which case the Court may order them to be summoned.

Third. That if any plaintiff does not take out, and cause the subpœna or subpœnas to be served on his witnesses in five days after delivering in his list of the witnesses, his cause

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shall be nonsuited; and if any defendant omits to take out and cause the subpœna or subpœnas to be served on his witnesses in five days after delivering in his list of witnesses, no evidence shall be summoned on his part, but the cause be determined on the documents produced, and the evidence brought by the plaintiff.

Fourth.—That if the plaintiff or defendant does not deliver in all his papers and vouchers, on or before the morning of the day of trial, the investigation shall not be suspended for such deficiency, but the cause be either nonsuited, or tried and decided upon such documents, &c. as may then be delivered in.

Fifth.—That if a witness summoned does not attend on the day appointed, or attending, refuses to give evidence, or subscribe his deposition, the Court shall impose a fine upon such witness, not exceeding 500 rupees, unless, in the first case, he can prove to the satisfaction of the Court, that he was unable to attend by the period mentioned in the subpœna. The fine to be enforced by an order on the nazir to attach and sell his property, or if that is insufficient, by seizing his person, (for which purpose he may enter his dwelling, if requisite) and by confining him for a period not exceeding three months.

Sixth.—That the following mode of serving subpœnas on witnesses, shall be considered good and lawful; viz. the peon executing the subpœna shall proceed to the dwelling of the witness or witnesses therein named, and summon them aloud at the outer door to come forth, in case they cannot gain admittance; should the witness come forth, the peon shall show him the subpœna; should he be in the house and not come forth, the peon shall read, or get some person to read the subpœna aloud; in either of which cases the execution shall be considered good and lawful. Should the witness be absent, the peon shall in like manner execute the subpœna, by reading or causing it to be read aloud at the witness's door; but the peon shall allow any of the witness's domestics or relations to take a copy of the subpœna for his information, in case they desire it.

Seventh.—That the decrees of the Judge, in suits for landed property, whether assessed with public revenue or rent-free, be declared final, to the amount of sicca rupees 200.

Question 6.

Answer.—I do not think it would be advisable expressly to extend the jurisdiction of the Register and Native Commissioners of this zillah, to suits for sums greater than they are authorized to try at present, as the suits in general are not for large sums, or are there many opulent persons living in this district; but that the Judge should be at liberty, if from the number and amount of causes filed, he may deem it advisable, to refer suits to the Register for trial, not exceeding in amount sicca rupees 300. It might also tend to expedite the decision of suits, were the Register's decrees for money or personal property, to be declared final to the amount of sicca rupees 100; and also his decrees on suits regarding landed property between individuals, not being keranje, (or lands assessed with revenue) to the amount of sicca rupees 50.

Question 7.

Answer.—Litigation has certainly been checked by the establishment of the fees and stamp duties mentioned in this Question, as far as respects frivolous and unfounded suits; but not in regard to real causes of action, which are as much sued for as ever. I do not think the several charges attending the institution of law-suits too considerable, as far as relates to suits for large demands; but they appear in many instances to be too heavy on suits for small demands, as will appear by the following statement on a demand for two rupees, which would be much more, were the suit for landed property; this, the plaintiff has to pay to Government alone, exclusive of the expense of serving the processes before his cause comes to be tried, though it is true, that eventually the defendant will have to pay it, in addition to his own expenses; viz.

Stamp paper for plaint	0	4
Fees for filing ditto	0	2
Stamp paper for security for vakeel's fees	0	4
Fees for filing ditto	0	8
Stamp paper for security to make good expenses of suit	0	4
Fees for filing ditto	0	8
Fees for issuing a summons	0	8
Stamp paper for a copy of defendant's answer	0	4
Ditto for a copy of rejoinder	0	4
Stamp paper for vakalant namah	0	4
Fees for filing ditto	0	8
Stamp paper for petition for issuing subpœnas	0	4
Fees for filing ditto	0	8
Ditto for three witnesses	1	8
Issuing subpœna	0	8
Two vouchers (only)	1	0
Total - Sa. Rs.	7	6

To suggest the means by which the expense might be lessened to the individual, without subjecting Government to much loss of revenue, requires some consideration, and more time to arrange, than the various duties I have at present on my hands will allow. Hereafter

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after, when I have more leisure, I shall offer such suggestions on this point to Government, as may appear to me deserving of its notice.

Question 8.

Answer.—The fees paid to the licensed vakeels on suits instituted or defended by them, are a sufficient inducement to men of character and qualifications to undertake those situations. The most able, as in all other countries, do of course get the greatest employ, while those of inferior abilities must be content with obtaining business now and then. Some of the vakeels attached to this Court are respectable men; but in general, before I took charge of the district, were almost entirely unacquainted with the printed Regulations, which, they assert, they could seldom obtain. I have taken much pains to induce them to make themselves acquainted with the laws passed by Government, and some of them have made some proficiency, but I am sorry to say that in general they are far behind the vakeels of most other zillahs in the knowledge of their profession.

Question 9.

Answer.—The establishment of licensed vakeels has contributed to expedite the decision of suits, but not to the extent that could be wished; for instead of bringing the merits of the suits speedily and accurately before the Court, they appear to be instigated only by a desire of obtaining the decisions in favour of their clients (however contrary to justice) and all their measures tend to that end; so that a cause is often made more intricate than it really would be, by their mistaken zeal for their clients. They forget that equity as well as law, is necessary to the ends of justice.

Question 10.

Answer.—The vakeels in general I believe discharge their duty to their clients with as much honour and fidelity as a native usually possesses. I have never met with a native high or low who possessed much of the first quality, and their portion of the latter is but small, as far as 17 years intercourse with them, enables me to judge.

Question 11.

Answer.—The inhabitants of this zillah are almost totally ignorant of the Regulations, and the zemindars, talookdars, &c. do not understand even the Revenue Regulations properly, which it might naturally be supposed they would (those in particular respecting the collections) as being so immediately interested in them. The vakeels and people about the Courts are almost the only persons who appear to have any knowledge of the laws of the Country.

Question 12.

Answer.—This question appears to be so nearly connected with the 5th Question, that it is hardly possible to draw any line between the Answer to each. In my reply to the latter Question, I have suggested such further Rules as at present occur to me; and in answer to the present, can only observe, that I think many of the processes issued from the Courts of Justice might, by being printed instead of written, as at present, tend to expedite the business of the Courts, and would at the same time produce an uniformity of proceeding throughout the country. Approved blank forms of summonses, subpœnas, warrants, proclamations, &c. &c. might be printed at a small expense by Government, if a press was established entirely on its own account, and immediately under its own management; which would admit of a proportionable reduction of mohurers, &c. in the judicial establishments. The only objection to which is, that a number of persons would thereby be deprived of employment. The same measure might perhaps tend to facilitate the duties of the commercial line, in the customs, salt chowkies, &c.

Question 13.

Answer.—There are separate places allotted for the bench of the Judge, for the public officers, parties, vakeels, witnesses, and all persons who attend the Court, in the Court-house. At present it has been pulled down, and a new one erecting at the new station of Burrishol, where there is a temporary one for carrying on the business. At the opening and shutting of the Court, the nizar proclaims aloud to that effect, which is the only ceremony observed, except what are pointed out in the Regulations, and what relates to the manner of the parties or vakeels addressing the Court, which is similar to what is observed in English Courts of Justice.

Question 14.

Answer.—There are several private schools in this zillah, where the Hindoo law is taught, but no Mahomedan. The Brahmins, who are at the head of them, either have rent-free lands, or subsist by the bounty of their students. Some of them also receive presents for performing marriage and religious ceremonies.

Question 15.

Answer.—The general moral character of the inhabitants of this district (if I may be allowed to use the expression) is at the lowest pitch of infamy; and very few exceptions indeed to this character are to be found. There is no species of fraud or villany the higher classes will not be guilty of, and to these crimes in the lower classes may be added murder, robbery,

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robbery, theft, wounding, &c. on the slightest occasion. In fact, it is hardly going too far in asserting that the whole of the inhabitants of this district are decoits; for the lower classes in general must in a great measure support themselves in that manner, as few of them really work at trades, or cultivate sufficient lands for their maintenance; and the zemindars and talookdars, with very few exceptions, undoubtedly entertain and protect decoits secretly, who are the principal actors in all affrays between the former, respecting disputed lands, boundaries, &c. I fear the system of law established by the British Government has not had much effect in improving their moral character. Fear is the only passion that can operate to any purpose with the natives of this part of the country: they may be restrained from committing crimes from the dread of punishment, but I apprehend that no precept or example will ever induce them to be in love with virtue or honesty, from their purity only. Strict justice and rigorous laws can alone keep them in order.

Question 16.

Answer.—The inhabitants undoubtedly consider their private rights and property to be far better secured by the present constitution of the country, than ever they were under the Mogul Government, and that they are not liable to infringement by the executive authority itself, by the executive officers of Government, or by individuals.

Question 17.

Answer.—The cultivation and population of this district is in a state of improvement; but from all I can learn from the natives, commerce has declined, the principal articles of which formerly consisted of salt and cloth; but since the Honourable Company has monopolized the first, and made advances for the second, many individuals have given over their dealings. Religious buildings are less frequently erected; and for domestic purposes, little or no improvement seems to have been made in those constructions. The natives are enemies to innovation, even in the form of their houses, and are too indolent to imitate neatness or taste. The grand cause of the decline of commerce, and religious buildings, seems however to arise from what, in other countries, forms not only the strength but tends to the riches and prosperity of the state,—increase of population. In this, it only operates to its impoverishment, if the opinions of the natives themselves have any force; for they say, that when the population was less, their ancestors were rich, and had a capital which could be spared for the purposes of commerce and the erection of religious edifices; but as their descendants have multiplied so much of late years, such sums, divided and subdivided amongst them, gives to each but a small pittance, and has destroyed all the great fortunes. From my own observation and intercourse with the natives, I believe there is some truth in this reasoning; and unless a spirit of enterprize and honest activity can be infused into the natives at large, I see no means of their becoming either richer or happier. The lower classes of natives in this district are too indolent to try to better their situations by labour and exertion, though there is no doubt that the lot of the ryot, labourer and mechanic, has considerably improved under the English Government. My opinion respecting the population and cultivation of the district, is founded upon enquiries from the natives, and my own observation.

Question 18.

Answer.—I believe the inhabitants of this District are perfectly satisfied with the British Government, and that they are fully aware of the great freedom they enjoy under it, beyond what they could ever taste under either the Mogul or Hindoo administrations.

Question 19.

Answer.—The present system of police is in general well calculated to ensure the apprehension of offenders, and only requires some additional Rules, which are proposed in the Answer to Question 33.

Question 20.

Answer.—The police establishments of this district are not adequate to the duties required of them, there not being a sufficient number of funnahs at present to admit of their being placed at ten coss from each other, agreeable to the 4th section, 2d Regulation of 1793, some of them being a much greater distance asunder. They appear also to have been in the first instance injudiciously placed, and not so disposed as to afford security to the district, equal to what the actual number of stations should do. Three or four more tannahs will be necessary, which I shall propose to Government as soon as I have leisure to prepare a new arrangement of the stations.

Question 21.

Answer.—I am of opinion that the number of crimes committed annually has diminished in the past year, in comparison to what I understand were formerly committed; but as there does not appear to have been any regular account kept previous to my appointment to this zillah, of the crimes committed within the jurisdiction of each darogah, it is not an easy matter to assert positively whether they have annually diminished since the year 1793 or not; the Adawlut Calendar not being a sufficient criterion to judge by (particularly the past years, which includes many crimes committed in former years) for many crimes were formerly and are sometimes still committed where the perpetrators escape being apprehended or discovered. I however keep a regular account of all crimes that come to my knowledge or the darogah's, whether the parties are taken or not. An account of the number of trials in each year since 1797, agreeable to the Calendar, is inserted below. No Calendars

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prior to that year are to be found in the office. The second sessions of the last year not being concluded, the first sessions only is inserted; viz.

CRIMES.	1797.	1798.	1799.	1800.	1801, First Sessions.
Murder	2	19	22	22	21
Decoity	11	15	17	19	39
Decoity and Murder	1	7	9	8	5
Theft	2	13	8	5	4
Receiving Stolen Goods	- -	1	1	1	—
Bribery	1	1	- -	1	3
Perjury	2	1	8	- -	12
Forgery	- -	1	- -	- -	1
Wounding	1	1	2	1	6
Resistance of Court's Authority	- -	- -	-	- -	4
TOTAL	21	59	67	57	95

The diminution is to be ascribed to the activity of Mr. Spedding, the acting Register, while in charge of the office, and to my own diligence since. It may I think justly be concluded, that the increase or diminution of crimes in every district, will in some measure be in proportion to the negligence, or the vigilance and activity of the Magistrate. The best laws are ineffectual and useless where the executor of them is remiss.

Question 22.

Answer.—The crimes of enormity most prevalent in this district are murder, decoity with murder, decoity with wounding with spears, &c. decoity simple, decoity and burning with lighted mosauls; decoitty with putting bamboos to the back and chest of a person and drawing them close with twisted strings, in the manner of a vice, until he is breathless, and sometimes the breast bone or ribs are broken; decoity with putting chilly powder (or kayan pepper) into the eyes, mouth, nose and ears. All these for the purpose of extorting confessions, where the sufferers effects are kept or hid, and which are usually inflicted by decoits at the time of committing robberies; violent wounding with daws, &c. affrays and assaults.

The cause of the prevalence of the first is, that the inhabitants of this zillah in general are of the lowest class, and both the men and women are extremely passionate in their dispositions, and loose and profligate in their manners. Infidelity on the part of the women, and jealousy on the side of the men, most frequently are the occasion of murders; but sometimes a dispute about a kid or hookah is sufficient for that purpose. Passion also often leads to the commission of self-murder, which is more frequent in this zillah than in any part of the country I have resided.

Decoity (which often includes many crimes) arises from two causes; viz. 1st. That decoits consider themselves as much a distinct cast or profession as any other cast; and it is very common for several generations to be decoits. I have heard of an instance of a decoit recommending to his son at the foot of the gallows, to continue the profession, notwithstanding his own ill fate. 2dly. That the idle and ill-disposed begin first with pilfering, then stealing, and gradually advance from one enormity to another, until they are equal to the greatest crime. These associate with the former, and often form large gangs.

Violent wounding and murder arise from heat of passion or revenge, and sometimes from affrays.

Affrays are occasioned by zemindars, talookdars, &c. disputing about lands, boundaries, or crops, and procuring their dependants and ryots to support their cause by force.

Assaults in general arise from quarrels, and heat of passion.

The means I would recommend for the suppression of these crimes are as follow; viz.

1. That all accomplices as well as principals in murder, when duly convicted of aiding and abetting the commission of the crime, (if not objects deserving mercy) should be sentenced to suffer death. This is provisionally stated to be the law under the 4th section, 8th Regulation of 1799; but as the Courts of Circuit do not appear to apply the rule so strictly as perhaps was intended, it may be proper to declare it expressly to include accomplices.

2. That the principal and all accomplices in a decoity where any person is murdered, either by sharp instruments or torture, in either of the ways above described, whether he or she die immediately, or afterwards, from their effect, if duly convicted of being present and assisting in the decoity, shall be sentenced to suffer death. That both principals and accomplices convicted of decoity, where any person has been wounded with spears, daws,

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&c. or tortured by burning with lighted mosauls, squeezed with bamboos, or had chilly powder (kayan pepper) put into their eyes, mouth, &c. violently, but death does not ensue therefrom, shall be sentenced to imprisonment and transportation for life; if in a slight degree only, to transportation during the time of their sentence. That all decoits proved to be sirdars or chiefs of gangs, whether in a simple decoity, or other decoity, the punishment for which is short of death, be sentenced to imprisonment and transportation for life.

3. That maiming or violent wounding, both in regard to principals and accomplices, be in like manner punished by transportation during the period of sentence, whether arising from affrays or assaults.

Question 23.

Answer.—The generality of the inhabitants of this district do not keep arms in their houses, but some persons do. Such respectable persons as keep arms have them for defence against decoits. The latter description of persons have the largest quantity of arms, which they retain for the purposes of robbery and murder. These consist of tulwars, spears, bows and arrows, roybannses (a long iron somewhat like a spit fixed at the end of a bamboo,) khangauns (a long tulwar,) bludgeons. The three first are only kept by persons of good fame.

Question 24.

Answer.—There are the ruins of three old mud forts in this zillah, two at Soojaband Pergunnah Chunderdeep, and one at Sungram Pergunnah Cuter Shabazpore, which were formerly built as a defence against the incursions of the mugs. Some old cannon it is said are there remaining, but I have not had time to visit these places. Instructions have been sent to my darogahs to send me a particular account of them.

Question 25.

Answer.—It is extremely difficult to answer this question with any probable correctness, there being no guide to go by in forming an opinion; for it does not appear that there has hitherto been any measures taken in this district to ascertain the number of inhabitants; and I very much doubt whether a petty talookdar paying a revenue of only 500 rupees, could immediately state the number of persons residing on his estate. A great number of the inhabitants live almost entirely in boats, and as the district is every where intersected with rivers, and nullahs are continually changing their stations, which will add to the difficulty of an investigation of this nature. From all the information I have been able to obtain on this head, guided by my own observation, I am of opinion that the proportion of the Hindoo to the Mussulman inhabitants, is about 10 to 6. I cannot, however, obtain any information as to the probable number of inhabitants of all descriptions, for no person will venture an opinion on this question, or am I at present able to form one myself. But in order to get some account, I have called upon the zemindars and talookdars to furnish me with statements of the number of Hindoo and Mussulman inhabitants residing within their respective estates. These will of course take some time to ascertain and prepare; but when received, shall be reported to Government.

Question 26.

Answer.—There is no person of rank in this district except Rajah Joynarain, alias Doorga Cour Narain Roy, late zemindar of Pergunnah Chunderdeep, nor in fact any persons of great opulence. The names of the most respectable persons are inserted underneath, but none of them retain a greater number of followers than 25 or 30; including household and personal servants of all descriptions. They never appear abroad with more than three or four burkundosses, armed with tulwars and shields, and 4 or 5 peons; viz.

Meer Hossien-Ul-dien Chowdry, zemindar of Tuppa Nazirpore.
Seeb Narain Roy Chowdry, Ditto of Pergunnah Silimaband.
Meer Asud Ally Chowdry, Zemindar of Pergunnah Shaistaband.
Ramdoolub Chuckerbutty, Bowanypersand, Ditto — Ditto a Talook of Pergunnah Chunderdeep.
Kirty Chunder Roy — Ditto Pergunnah Ruttendy Calkapore.
Sheeb Chund Roy and Kirty Chundder Roy — Ditto Pergunnah Aurungpore.
Khaja Mohamed Dym and Khajee Chaund — Ditto Talook Sulkneennah.
Bowanypersand Roy, Merchant at Sootalury.

Question 27.

Answer.—I have no reason to suppose that there is any person in this district disaffected to the British Government, but even if there was, there is no one of sufficient power, consequence or influence, to occasion the slightest apprehension. A haveldar and thirty regular sepoys would disperse any mutinous party that could be gathered together. The authority of the Courts are sometimes resisted, but a few additions to the present Regulations would fully enable the Judge or Magistrate to counteract those enormities.

Question 28.

Answer.—I am certainly of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects; that is, such titles and distinctions as accord with their own ideas and customs. Such natives as I have conversed with on this subject, seem

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seem to be much pleased with the idea, and wonder that as Government possess and exercise all other acts of sovereignty, it has not hitherto adopted this. I am further of opinion, that if such honours and titles are judiciously dispensed, it would tend more than any other measure that could be adopted, to create a proper emulation in the higher natives to distinguish themselves by acts of honour, honesty, and all those qualities so necessary to the prosperity and credit of a numerous society. Some plan like the one suggested, is wanted to arouse the natives from that state of depravity and lethargy they labour under at present.

Question 29.

Answer.—This district being so much intersected with rivers, nullahs, &c. does not admit of regular roads as in other districts; the intercourse from place to place is carried on by water carriage. There are few or no roads besides those I am now making at Burrishol, except an indifferent one at Backergunge, about four miles long. Such bridges as there are, are composed of gurran sticks or bamboos (one Pucka bridge excepted,) which are kept in repair by the neighbouring inhabitants. There is nothing in the district that comes under the denomination of "Public Works."

Question 30.

Answer.—The convicts in this district are employed from sunrise till sunset, (two hours at noon for eating excepted,) in making roads, clearing jungle, digging tanks and raising the ground about the new station. I do not think they can be better employed than at present.

Question 31.

Answer.—The jail of this zillah is at present a temporary one, built of mats, straw, &c. but part at least of a pucka one, has been ordered by Government to be erected, the materials for which are ready.

Question 32.

Answer.—Having maturely considered the consequences of the measure suggested in this question, I am of opinion that it would not be expedient to grant to zemindars, talookdars, and farmers, commissions empowering them to act as Justices of the Peace, further than to apprehend and send to the Magistrates all murderers, decoits, thieves and disorderly persons found, or hereafter coming to reside within their respective estates or farms. The jurisdiction should be limited to the estate or farm, and they should be guided by the rules in the 22d Regulation of 1793, as far as the latter are applicable to their authority. I once thought that it might be eligible to invest the zemindars, &c. with the same power as the police darogahs possess at present, but on weighing the matter fully, I have reason to believe that it would give rise to much injustice and oppression, which has altered my opinion on this point.

Question 33.

Answer.—I would recommend the adoption of the under-mentioned rules, which in my opinion are calculated for the suppression of crimes in general, but particularly those of decoity and theft. But with a view to show the necessity and effect of their operation, it will be proper to offer some explanations of each, for which purpose I shall put the rules in the form of sections, and the explanation following them; viz.

Section 1st, clause 1st.—That every zemindar and independent talookdar, as also all farmers of land, whether holding immediately of Government or otherwise, shall execute an obligation to the Magistrate in each Zillah to deliver in a list of the names, and also to apprehend and deliver in to the Magistrate's or the police officers custody, all decoits and thieves residing within their respective estates or farms within the period of three months, together with such proof as they may be able to produce to substantiate their delinquency, under penalty of forfeiting to Government the village in which any felon subsequently apprehended, may be proved to reside at the time of apprehension.—Or if a farmer of land, under the penalty of his engagement being declared to be null and void, and ordered to be cancelled.

Section 1st, clause 2d.—That in the event of the apprehension and conviction of any decoit or thief, after the period specified in the obligation, whose name shall not have been notified to the Magistrate, and who shall not have been secured by the zemindar, talookdar or farmer, in whose estate or farm he resided at the time of being apprehended, the village in which such felon resided, shall at the time of conviction be declared by the Court of Circuit forfeited to Government; or if included in an estate let to farm, that the lease be cancelled; provided that if the Court of Circuit deem it more proper, they may order the zemindar, talookdar or farmer to make good the amount of the property stolen, instead of directing the forfeiture of the village.

Section 1st, clause 3d.—That in case any zemindar, talookdar or farmer omits to deliver in the list specified in clause 1, section 1, by the period limited, in a publication to be issued by the Magistrate for that purpose, the Magistrate shall order a penalty of one per cent. calculated on the amount of his annual jumma, to be paid by the person so neglecting to obey the orders in the publication, for the first omission; two per cent. for the second; and five per cent. for the third omission; and shall levy the amonnt either by the sale and attachment of his personal property, confinement of his person, or attachment of his estate, which ever he may deem most proper.

Section 2d, clause 1st.—Every zemindar, talookdar, mofussil talookdar, farmer, juttedar, gauntydar, howladar or other description of under-tenants whatever, are prohibited allowing any new ryot or ryots to cultivate lands or reside upon their respective estates, farms, &c. until such ryot or ryots produce an acquittal (or farkatty) under the signature of the

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respective zemindar, talookdar, mofussil talookdar, farmer, jutedar, gauntydar, howladar, or other description of under-farmers or of their gomastah, within whose estate or farm he previously resided, setting forth that they have no demand against such ryot or ryots on account of revenue, and that such ryot or ryots are persons of good character and fame. The truth of which the zemindar, talookdar, &c. is to ascertain as well as possible, previous to allowing such ryot or ryots to reside upon his estate or farm. Should any person, contrary to this prohibition, suffer any ryot to reside upon his estate or farm, or cultivate lands therein, he shall not only be liable to make good any balance which may be due from such ryot to the former landholder, farmer, &c. whose estate or farm such ryot may have quitted, but in the event of such ryot being apprehended and convicted of any decoity or theft, shall be liable to forfeit the village in which he suffered the ryot to reside; or if a farm, the lease being cancelled, in the same manner as zemindars, &c. wilfully allowing persons of bad fame to reside on their estates or farms, as mentioned in clause 1st, section 1st.

Section 2d, clause 2d.—That any zemindar, talookdar, farmer, or other description of under-tenants whatever refusing to deliver an acquittal or farkatty to a ryot who has paid up his rents, and wishes to quit the estate or farm, shall on proof in the Dewanny Adawlut, that such ryot demanded the acquittal or fakatty, and was refused, be subject to such fine as the Zillah Court may think proper to award to the ryot, besides paying all expenses and charges incurred by the latter in prosecuting the suit.

Section 2d, clause 3d.—That every zemindar and independent talookdar shall deliver to the Magistrate, at the end of every six months, a statement of the new ryots who have come to reside upon his or her zemindarry or talook during the preceding six months; in which shall be inserted the name of the ryot, the village, pergunnah, and district from whence he came, with the name of the zemindar or talookdar, &c. whose estate he has quitted, also the date on which he took up his new residence, and the name of the village and pergunnah wherein he then lives. To enable the zemindars and independent talookdars to prepare these accounts, every mofussil talookdar, farmer, jutedar, gauntydar, howladar or other description of under-tenant whatever, is hereby strictly enjoined to deliver to the zemindar or independent talookdar under whom he holds, a similar account, every six months, of the new ryots entertained within his tenure during the preceding six months. The mofussil talookdars, farmers, &c. will be subject to such fine as the Zillah Courts may think proper to impose for any omission in delivering the statement above directed to their respective zemindar or independent talookdar.

Section 3d. That chowkeydars shall be appointed in every village, under the following Rules, the salary of whom shall be defrayed by the inhabitants of each village respectively; viz.

1. That each house or family shall pay, on account of chowkeydars, at the rate of two annas per mensem.

2. That for every thirty houses or families, in each village, one chowkeydar shall be appointed; two chowkeydars for 60 houses or families, and so on in proportion. Where the village consists of less than 30 houses or families, the inhabitants of such village shall entertain one chowkeydar.

3. That any person omitting or refusing to pay the established allowance to the chowkeydars, shall, on a representation to the Magistrate, be compelled to pay it, and be subject to such fine for the omission as the Magistrate may think it necessary to impose.

4. That the chowkeydars shall be appointed by the inhabitants of each village respectively, who shall be summoned by the mundul or head ryot of the village to meet for that purpose; the majority of voices to determine the nomination; the names of the chowkeydars so appointed to be notified to the tannadar of the division in which the village may be situated, by the mundel or head ryot; the chowkeydars to be subject to the orders of the darogahs, as directed in 13th section, 22d Regulations of 1793.

5. That each chowkeydar shall receive at the rate of rupees 3. 12 per mensem, or two annas from each of the 30 houses or families. The particular houses or families by whom each chowkeydar is to be paid, to be settled by the mundul or head ryot, in conjunction with the police darogah of the division.

6. That the duty of the chowkeydars shall be to seize and apprehend all decoits, murderers, thieves, housebreakers, &c. found within the boundaries of their village; they may also pursue any of the above description of persons into any neighbouring village, and apprehend them. The chowkeydars and ryots of the latter are required to give them every assistance in apprehending any person above mentioned so pursued.

7. That on an alarm being given at any village, the chowkeydars of the surrounding villages respectively (except one chowkeydar in each village, who shall be left as a guard during the absence of the remainder) shall repair immediately to the village from whence the alarm was given, and give every aid and assistance in apprehending and securing the decoits or thieves who may have attacked it. The chowkeydars of all villages are to deliver all persons apprehended by them into the custody of the police darogah of the division in which their villages may be situated, who shall forward them to the Magistrate of the district.

8. The chowkeydars shall keep watch within their respective villages, from sun-set to sun-rise; they may also apprehend all improper persons during the day equally as at night.

9. Any neglect of duty in the chowkeydars shall be punished by dismissal; and of misconduct, by fine and corporal punishment, as the Magistrate may deem proper. Ryots and others are required to report to the Magistrates all cases in which the chowkeydars of their respective villages may be guilty of neglect of duty, or misconduct.

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Section 4. That outlawry, in criminal cases, is hereby established, in the same manner as is customary by the English law.

Section 5. The Magistrates in each zillah or city, are authorized and empowered to order their police officers or sepoys, in such cases as they may deem necessary, to break open and enter any house in which any person or persons disobeying or resisting the orders of the Fouzdarry Court, may secrete himself or themselves, for the purpose of apprehending such offenders; and any person concealing, aiding, assisting, or encouraging any of the persons above mentioned, shall be proceeded against by the vakeel of Government, and if proved guilty, be liable to the forfeiture of his or her estate, or to imprisonment, or punishment, as the case may appear to the Court of Circuit to warrant.

REMARKS.

Section 1.—One of the greatest causes of the frequency of decoity, theft, &c. in this zillah, is the connivannce and encouragement the zemindars, talookdars, &c. give to robbers and thieves; in which they find an interest, in a variety of ways; viz. 1st. Such persons pay a much higher rent than other ryots; 2d, the zemindars &c. can purchase from these persons stolen articles, such as jewels, &c. for a tenth part of their value; 3d, the zemindars, &c. can make what exactions they please from these persons, who dare not complain, for the fear of a discovery; 4th, the zemindars &c. are assisted by these persons in their affrays with their neighbours about disputed boundaries, or in their depredations on the crops of such persons as they wish to despoil. Thus one way or other the zemindars, &c. are the chief gainers by every decoity, though they do not appear to be at all concerned in them. It is impossible that any zemindar, talookdar, &c. can long remain ignorant of the names of persons of bad fame residing on his estate, if he will take the trouble to inform himself. The character of a new ryot is pretty well known by his neighbours, in ten days from the time he takes up his residence among them. The curmcharry (or village collector) becomes acquainted with it fully in a month, and the zemindarry omlah may know it perfectly in three months; consequently the zemindar or talookdar, &c. can never be at a loss if he chooses to enquire. The estates in this district being mostly small, and the proprietors generally occupying themselves actively in their management; I have not the smallest doubt that most of them know very well what decoits and persons of bad fame reside on their estates; and while they are suffered to connive at concealment with impunity, it cannot be expected that the commission of crimes can be checked. It is with a view of doing away their influence, that I propose this section.

Section 2.—By rendering the absconding of ryots difficult, persons of bad character will be deterred from the commission of crimes, as they will not so easily find an asylum by absconding, and thereby escape punishment, as they do at present. In a revenue point of view also, these restrictions will have a very beneficial effect, by preventing the ryots running away in arrear and defrauding their landlords, as is so shamefully the case at present. The landlord will in such cases have the means of redress, while it will make him cautious what persons he entertains as his tenants. This must operate to check the encouragement given to persons of bad character, and to lessen the number of crimes. A law to prevent the poor from wandering, is full as necessary in this country, or perhaps more so, than in England. In this country, it is generally accompanied with fraud, if not with worse crimes.

Section 3.—At present (the police darogahs and their officers excepted, who are too few to watch actively over a large extent of country) there is no man in the interior of the districts, who has power to apprehend persons breaking the peace or committing other offences; and from the distance which the tannahs are situated from some villages, which renders it inconvenient and sometimes impossible for persons to repair for redress in time, many felons escape who are deserving of severe punishment; for though they might be disposed (which however is seldom the case) few of the natives think themselves lawfully authorized to act in their own self defence. It would greatly tend to the quiet of the interior, and to the suppression of crimes in general, to have persons in each village vested with the power, and acting similarly to constables in England, who would also perform the office of watchmen at night; the expence of which, the natives in general are willing to defray.

Section 4.—The consequences of outlawry, when fully made public, would I conceive have a great effect in preventing the commission of crimes in general, as it would show the persons now committing them, that even their absconding would not stay the passing of sentence against them. It would also operate to induce the less guilty to deliver themselves up, for fear of the consequences, who now have no dread of condemnation unheard, and therefore conceal themselves, and continue to associate with decoits and thieves until their morals and minds are irretrievably ruined.

Section 5.—The frequency of resistance to the Magistrate's processes in this zillah, which is often accompanied with violent assaults on his or the Collector's officers, and which no doubt sometimes occurs in other zillahs, makes it necessary that the Magistrate should be armed with full power to put an effectual stop to such contumacious conduct. The 1st clause, 2d section, 11th Regulation of 1796, directs that the Magistrate shall do all in his power to apprehend the person of the offender or offenders; but this is often rendered ineffectual by the offender shutting himself up in his own house, or being concealed in another person's. The Magistrate should have the power to bring him from such concealment; for it is only rigid justice that will make the natives of this district obedient to the laws.

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Question 34.

Answer.—The tax on spirituous liquors has certainly tended to render the vice of drunkenness less prevalent than it was before their establishment; though a question may arise, "whether there is a less consumption of spirits or not than formerly;" which the collector's Abkarry accounts can best solve. Judging from my own observation, I am disposed to think that drinking has become more general within a few years than it was before.

Question 35.

Answer.—I should utterly despair of any improvement of the moral character of the inhabitants of this district, from any measures that I or any other person could recommend; as I have before observed, that I do not think either precept or example can have any effect on their depraved dispositions. All the improvement that can be expected from them must arise from the activity and uprightness of the Magistrate, in apprehending and bringing the criminal and guilty to impartial punishment: his alertness and integrity can only operate any change for the better.

Question 36.

Answer.—The punishment of marking persons convicted of perjury on the forehead, has been inflicted so seldom, in this zillah at least, that hitherto its operation is not perceptible. At the same time I have no doubt that if less scrupulously administered, its effect would be very beneficial. A few examples are much wanted in this district, where the crime of perjury is very common; but the great impediment to procuring them seems to arise from the definition of perjury itself, as inserted in the Regulations. For though a man may most grossly forswear himself, it is often difficult to establish his *intent* (as therein set forth) before the Court of Circuit, though at the time fully evident to the Judge or Magistrate.

Question 37.

Answer.—The punishment of transportation has had a very beneficial effect, and on the extended scale it is now administered, will I doubt not considerably deter persons from the commission of enormous crimes. The natives in general dread it more than hanging; and persons under that sentence have repeatedly requested me to get their sentences changed to death in preference.

Question 38.

Answer.—I am of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity to have a detering effect upon bad men; at the same time I am sensible of the difficulty of reconciling the punishment of *amputation* with British ideas of *humanity*. There cannot however remain a doubt, that since the abolition of that punishment, decoits and thieves have considerably increased, and robbery become more frequent and common. The flogging and imprisonment substituted in lieu of it are insufficient to deter persons from the commission of robbery and theft. The first punishment is soon forgotten, and the second (unless the prisoners are very strictly kept to hard labour) is rather a mercy than a punishment, as prisoners receive from Government almost as much as they ever earned by labour, and have a far better habitation to live in than they ever occupied before. The consequences produced by the operation of the spirit in which I conceive the criminal law has been administered, are, increase of decoits and thieves. With respect to the latter, it might be advisable to let the law remain as it is; as also with regard to the first crime of decoity; but as by the Mahomedan law the punishment is not capital, I think a repetition of it should subject the culprit to some severer punishment than he is at present liable to. Transportation has a very good effect, but I apprehend it must be attended with too great expense to be adopted so generally as it should be, to have a powerful effect. Government may be better able than I am to devise some punishment that will answer the purpose.

Question 39.

Answer.—The general conduct of the Europeans, not in the service, residing in this district, (who are very few) is decorous and proper; I seldom have any complaints against them.

Question 40.

Answer.—The general condition of the weavers and other manufacturers in this district is very comfortable. No mechanic is in want of a competent subsistence who chooses to work. The existing laws are, I think, well calculated for insuring justice to the weavers and manufacturers, in their dealings with the officers of the Company, and with private Europeans; and also for enabling the officers of the Company to obtain from the weavers and manufacturers, the punctual performance of their engagements; but I fear this is not the case, as it relates to the individual European merchant (Indigo manufacturers particularly) who suffer very considerably from the delay that arises before their causes or complaints can be brought to a hearing. They appear to stand in need of some indulgence in this point, which perhaps might be best afforded them, by allowing their causes to be tried speedily, without waiting till they regularly come in course of trial, according to the file; and as, comparatively, there are but few European merchants or traders residing in any one district, this indulgence of prompt redress might be allowed them, without any great partiality.

J. Wintle, Judge and Magistrate.

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Dacca Division.

To His Excellency the Most Noble MARQUIS WELLESLEY, K. P. Governor General; Fort William.

My Lord,

I HAVE the the honour to lay before you a Copy of my Replies to the Interrogatories transmitted to me, regarding the internal state of the country.

I have the honour to be, with due respect, my Lord,
Your Lordship's most obedient and most humble servant,

Zillah Tipperah, the 23d April 1802.

John Elliot, Judge and Magistrate.

REPLIES to the INTERROGATORIES transmitted to the Judge and Magistrate of Zillah Tipperah, on the 29th of October last.

1. WHAT is the number of causes now depending before you, before your Register, and before the Native Commissioners?

2. What proportion does the number of causes now depending before the three tribunals of the Judge, the Register, and the Native Commissioners, bear to the number of causes usually depending during the several years commencing from the year 1793 to the present period?

3. What number of causes was decided in the past year, by you, by your Register, and by your Native Commissioners?

4. What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the Native Commissioners; and what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced?

In reply to the above Questions, I herewith submit an Abstract Statement of the causes from 1793 to 1801.—No. 1 and 2.

The number of causes depending in this Court on the 1st of January 1802, are as follows:—Before the Judge, 22;—Register, 182;—Native Commissioners, 10,461. From this, it may be observed, that the causes are very few, and are kept at a very reduced number: those of the Register would have been less, had there been constantly a Register stationed with me.

With respect to those of the Native Commissioners, I dare say half have been settled the moment a summons was served on the defendants, being in general for very trifling sums, and only await the rotation-call to be struck of the file-list of causes of the several Commissioners.

5. Are you prepared to suggest the establishment of any Rules, which (consistently with a due administration of the laws) would expedite the decision of suits? Are you of opinion that the object would be in any degree promoted by leaving it optional in the different tribunals to commit the depositions of witnesses, in causes not applicable to a higher tribunal, to writing or not, as the Judges might think proper?

I am not prepared to suggest the establishment of any Rules that would expedite the decision of any suits, but I am fully and clearly of opinion that it would infinitely tend to the prosperity of the zillah, and to the benefit of trade, were all commercial concerns tried in the first instance in a summary way, in the mode adopted by the 7th Regulation of A. D. 1799, the effects of which Regulation in the zillah are almost incredible, as having tended to a realization of the revenues with a punctuality hitherto unknown in this district; as well as to do away the knavery and chicanery of the farmers in general, and to have given that confidence to the ryots as to have induced them to have brought almost all the waste lands into cultivation; and has caused more than any thing hitherto done to enforce the tottah system, in so much so that the salt agent has often complained to me it is almost impossible for him to get land to lie waste for fewel.

The slow mode in which the Bengal language of this zillah is written, and the extreme difficulty, if not almost impossibility, of procuring natives to write it with dispatch, makes the trial of the causes in this Court extremely tedious; and as vakeels are now appointed to attend to the interest of their clients, it would be of infinite benefit to the dispatch and trial of suits in the Dewanny Court, were the depositions taken in Persian, in all cases applicable, and I see no reason or objection that can be urged for not adopting so beneficial a proposition

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sition as that of leaving it optional in the different tribunals to commit the depositions of witnesses, in causes not applicable to a higher tribunal, to writing or not, as the Judge might think proper, for while the vakeels attend the Court on behalf of their client, every purpose is obtained to put the cause in the most favourable light; and many trifling suits, which in trial have taken up days, might be completed at one sitting. In the Courts of Request it is the case, and being there admitted, with the utmost dispatch to business, and the universal satisfaction of the natives themselves, I am sure it would equally be the case were it adopted in the zillah.

6. Are you of opinion that it would be advisable to extend the jurisdiction of the Native Commissioners to suits for sums exceeding 50 rupees; and that of the Registers, to sums exceeding sicca rupees 200? What is the amount to which you would recommend the jurisdiction of the Courts of the Commissioners, and of the Registers, should be extended; and to what degree would the general administration of justice, in the district subject to your jurisdiction, be expedited by the adoption of this arrangement?

By the Abstract it will be observed that the causes on the calendar are few indeed; I principally attribute this to the good effect arising from the 7th Regulation of A. D. 1799; and I can by no means recommend, in this zillah, the suits of the Commissioners being extended in the amount, as I do not think it would in any degree be beneficial to the country, as the natives now, while the causes are few in the calendar, prefer having their trials brought before the Register for his decision, and as from this I take it to be a criterion that they are not well pleased with some of the Native Commissioners, I would therefore, on this very account, recommend the trials by the Regulations, in suits for money or personal property to the sum of 100 sicca rupees, being final, instead of 25 sicca rupees, and that he be authorized to try suits for money or personal property where the amount or value of the thing contested should not exceed the sum of 500 sicca rupees; and for malguzary land, the annual produce of which should not be above 500 sicca rupees; and for lakerage lands, the produce of which should not be more than 100 sicca rupees per annum; and the trial of such suits, in the absence of the Register, be final by the Judge, in money or personal property to the amount of 500 sicca rupees.

Should this proposition be adopted, I cannot but recommend that the fees leviable for the Register should in no instance be paid until the period of appeal expire, or the cause be decided in appeal, as I have of late been obliged to return back to the present Register several causes tried by his predecessors, for further evidence, in consequence of the causes not having been investigated with that attention to the subject that I could have wished; of course, I presume, such fees should be withheld until the cause be finally settled in appeal, when it would be equitable for the Judge to determine what portion of the fees should be paid to the several Registers before whom the cause might have been held.

7. Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of law-suits to be too considerable, or otherwise?

The establishment of fees and stamp duties have certainly tended to check that proneness of the natives to litigation; the fact cannot be better established than by the number of causes done away by the first order; and having completely prevented the renewal of any of the nonsuited causes but what were grounded on just and plausible claims, consequently I do not at all consider the several charges attending the institution of law-suits to be too considerable, for they have full power to obtain redress before munsiffs for trifling suits, and when they come to the Court, it can only be in cases of considerable property; and such parties have in general ample funds to carry on their suits; if not, the Pauper Regulation is an ample provision for them.

8. Do the fees paid to the licensed vakeels, on suits instituted or defended by them, constitute a sufficient inducement to men of character, and of proper qualifications, to undertake those situations? Are your vakeels attached to your Court, persons of the above-mentioned description; and are they in general well acquainted with the printed Regulations?

The fees to the licensed vakeels have most undoubtedly induced men of character and credit to take up the profession: the major part of my vakeels are of the above description, and have made some progress in acquiring a general knowledge of the Regulations.

9. Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

The establishment of licensed vakeels has beyond a doubt tended to bring the causes properly before the Court, and to protect the ignorant from oppression; and I am confident that they have been of the utmost benefit to the ryots, as having greatly conduced to check the gross knavery of the zemindarry naibs and vakeels that was practised prior to their institution.

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10. Do the vakeels in general discharge their duty to their clients with honour and fidelity?

Such of the vakeels who have not the capacity for their situation, obtain little employment in my Court. It is wholly engrossed by those who evince their zeal for their clients, and conduct themselves with fidelity; the effect of which has obtained many a poor wretch his estate, as likewise prevented much oppression that has been attempted by the zemindars and farmers of this zillah.

11. Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

The inhabitants of the zillah certainly begin to inform themselves of the laws of the country, in some degree, but not to that extent generally to be wished, which is to be attributed to their prevailing ignorance, and there being few people that are capable of reading and writing but such as attend at the sudder; what is written in the mofussil is with difficulty to be comprehended by the sudder amlah.

12. Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

I am not prepared to state any alterations in the forms established for trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws, nor are any in my opinion requisite; in suits of a large amount the forms are become known, adopted, and in my judgment ought to be adhered to, further than what I have recommended in reply to the 5th paragraph.

13. Have you in your Court-room any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court, or sitting in it?

In the Court-room there is a bench for the Judge, so elevated that he is seen by every person in Court, who of course can note any thing he says; and every individual is thereby enabled to know what order is generally passed on their application.

There are places for the public officers, the vakeels and their parties, as also the witnesses; and besides the places occupied by the above, there is sufficient room for the natives in general in attendance at Court, as also the ryots who may occasionally come to it. There is likewise a separate similar Court for the Register, besides a very spacious and convenient Record Office and Dufterkennah.

I have not adopted any form, nor do I observe any ceremony in opening or sitting in my Court.

14. Are there any private schools or seminaries in the district under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are those institutions maintained?

There are not any private schools or seminaries in my district in which the Mahomedan or Hindoo law is taught.

15. What is your opinion regarding the general moral character of the inhabitants of your district? Has the moral character of the inhabitants in general been improved or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

The moral character of the inhabitants in this district, is much to be deplored. The cheap rate of living, the independence and security they have acquired in their property by the system adopted by Government, instead of inclining them to virtue and probity, has rather conduced to indolence; and if by any mode they can avoid the payment of their due, or in families if there be any opening for litigation, it is incredible the extent to which they will carry their enmity. The exceptions in this respect are but few on the proportion of the inhabitants; and the knavery in the Revenues, before the 7th Regulation took place, as much on the part of the zemindars as the ryots, was incredible; but summary justice has most astonishingly checked it; and it would be the same in the commercial line, were the like measures adopted, and strongly evinces the absolute propriety of speedy and summary justice in the first instance, to compel them to be just, as well the necessity of establishing the rates of labour, to strike at the root of the evil, with respect to the lower class in particular, whose indolence can only be broke through by making their labour and hire in the proportionate rate of the purchase of the commodities of life.

The general conversation I have had with various individuals on this subject, strongly induces me to urge the propriety of some measures being adopted so as to fix the rate of labour, for the trade of this country has evidently suffered from this evil, and no man can now sit down to execute a job within a fixed and given time, from the cheap rate of subsistence compared with the price of labour, for few men will work after they have acquired a certain sum; as for example, a month's labour is a subsistence to him for three months, consequently he will be idle two, to the great loss of the harvest of the country; for it is no uncommon thing to see the paddy lying on the ground to rot, or be destroyed by the cattle, from the rate of labour being too high to enable the cultivator to gather it in, without

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out being a loser from the then rate of the market: the effect is such, that the cloth manufacture is presumed to have fallen off from this very circumstance, at least it is the general observation of those in this line of trade, who certainly have had the best opportunities of forming an opinion on this subject; and it has been remarked that in time of scarcity, cloths are to be had in plenty, which I consider as a very evident proof that the rates of labour are by far too high, and ought to be under some controul and regulation by the Magistrate.

16. Are you of opinion that the inhabitants in general of the district under your jurisdiction, consider their private rights and property to be secured, by the present constitution of the country, against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

That their private rights and property are secure, by the present constitution of the country, against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals, since the enforcement of the Pottah system, and my having totally rejected any claims without it, cannot better be evinced than by the increased cultivation of my zillah, the erection of various puckah buildings in the different parts of the zillah, the inclination all have to make thoroughfares from village to village, and an emulation now coming on very fast, in erecting puckah bridges in many parts of the zillah; that the meanest individual is secured in what he earns from his labours, cannot be more strongly brought to the notice of Government, or more substantially carry conviction to the mind of the truth of the prosperity and independence of the ryots in general throughout this zillah, than by my noticing that the sale of slaves was common in the district when I first arrived, and at this present period scarce such a thing is heard of; and that there scarce exists a ryot in the district that is under the necessity of purchasing rice for his subsistence, in the market, as every man has a golah in his house, with subsistence sufficient for a whole year for himself and family.

17. Are you of opinion that the district under your jurisdiction is in a state of improvement, or otherwise, with respect to its population, cultivation and commerce, and its buildings or other works for religious, domestic, or other purposes; and on what grounds do you form your opinion?

I am clearly of opinion that the population and cultivation in this district has increased; and my reasons for judging so arise from there being some estates in this district where the assessment has been reduced below their former rates, from the ryots quitting such lands to cultivate large extent of waste country, at a lower assessment, which the Pottah system now so well secures to them, that they do it with the utmost confidence; and it is the universal observation throughout the district, that the rates of assessment are much reduced, from the general independence of the ryots, who being now secured in their property, and liable to no extortion whatever, as heretofore the case, have become rich; while the proprietors of the lands evince the utmost poverty, and cannot in the present days obtain the smallest credit; and it is now no uncommon thing to see them begging charity from their former dependents; but with respect to the commerce of the country, I have before observed, that it has fallen off; and this I judge from the general observation and communication before noticed.

18. Are you of opinion that the inhabitants of the district subject to your jurisdiction, are in general satisfied with the British Government?

I am beyond a doubt of opinion that the inhabitants of the district subject to my jurisdiction, are in general satisfied with the British Government; and can safely aver, they now enjoy a happiness and contentment never before known; of this they speak in terms of the highest gratification.

19. Is the present system of police well calculated to insure the apprehension of offenders?

From my own experience, I certainly think the present police system well adapted for the apprehension of offenders, and of murderers in general, and has particularly tended to check this crime, formerly so bad in the zillah, from the immediate measures taken to ascertain the cause and to secure the criminals, who now rarely ever escape. Formerly, as no person was appointed for this particular duty, it was too much neglected; and families, from the disgrace attending it on their family, in a degree connived at a suppression of murder; a sum of money paid, easily satisfied the complainant, and put a stop to all prosecution, which is now entirely done away by the appointment of police drogas; and now I may safely declare, such a thing cannot possibly occur without its coming to my knowledge, as now all are interested in it, in so much so, that whole villages come forward to detect and apprehend murderers, for fear of their being implicated in it.

20. Are the Police Establishments in the district subject to your jurisdiction, adequate to the duties required of them?

I do not think that the Police Establishments subject to my jurisdiction, adequate to the duties required of them: their salaries should be increased, and some prospect held out to them of future reward, as pensions to such as may be wounded; and in case of old age, a provision

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a provision for life; for I fear their disposition to make the most of their time, from having no permanent object in view, is too much the case, from the removals I have been obliged to make.

21. Are you of opinion that the number of crimes committed annually, in the district under your jurisdiction, has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

The number of the crimes in this zillah since 1793, are certainly diminished, and I attribute it to the tannadary system.

22. What crimes of enormity are most prevalent in the district under your authority; what is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

Suicide, amongst the lower class of women, is the crime most prevalent in my zillah; the cause has in general arose from the most trifling dispute, or having been reprimanded for a neglect of their household concerns by their husbands; but in no one instance has the cause arose from poverty or jealousy. I know of no remedy to propose adapted to the minds of the natives of this country; but as the act of suicide has arisen from their conceiving themselves disgraced by words used, or being censured for not doing their duty, the adoption of the old Roman mode might perhaps be attended with some success in the suppression of this dreadful evil.

23. Do the inhabitants in general of the district subject to your jurisdiction keep arms in their houses; what description of arms do they retain; and for what purposes are the arms retained?

The ryots rarely have any arms in their houses, but the talookdars and zemindars have a few tulwars and matchlocks, which they have generally had from their families, and were used in boundary affrays: these affrays now rarely occurring, they are not used.

24. Are there any brick or mud forts in your district; in what state are the forts; and what is the nature of their construction?

In Noonagur I understand there formerly was a fort belonging to the rajah, and often attacked, prior to the British Government, without success; but having since the dewanny been neglected, is now become a jungle.

Mahomed Ally had begun a brick fort, which on his apprension the work was stopped, and the Chittagong road used to go on the outward skirts of it; but this year I have cut the public road right through it, and there are now no remains whatever.

25. What proportion do the Hindoo bear to the Mahomedan inhabitants, in the district subject to your authority; and what do you suppose to be the number of the inhabitants of your district, of all descriptions?

Of the inhabitants of this zillah, I presume about two-thirds are Mussulmen; the population is very great; nor do I think I should exaggerate, if I compute the number of souls at about six or seven lacks, from what I have observed, and what the people in general say.

26. What are the names of the persons possessing the highest rank, and the greatest opulence, in the district subject to your jurisdiction; what number of followers, armed or otherwise, are they supposed to maintain in their service; and do they appear abroad with such followers armed?

There is no other person who resides in my zillah of rank but Rajah Ranjedlaur Marrick, the Tipperah Rajah; the Cudwah Rajahs reside at Dacca; Rajah Ranjckishen, a zemindar of Gungamundel, is an inhabitant of Calcutta; the other zemindars are of a very little note in this zillah; and all the other proprietors of the soil are mere talookdars, and are of no consequence in point of rank.

The armed followers attendant on the Rajah of Tipperah, are few indeed; and I do not suppose his whole establishment of burkundosses exceed twenty or thirty people, and of these, but very few attend him when he goes abroad.

27. Are there any persons in the district subject to your authority, supposed to be disaffected to the British Government; what are their names, and to what means do you resort for superintending their conduct? Have those persons any influence in the district, and to what extent?

I know of no person disaffected to the British Government in this zillah; on the contrary, I am confident they are attached to it, nor do I think there is a man in it who has influence enough to cause the least disturbance; in fact all the petty talookdars are too independent of each other, and are at too great a variance to allow of any man having a controul over them; nor is there a man in it of capacity sufficient to form a league.

28. Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

I am of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were the Government to declare itself to be the sole source

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of honour within its territories, and to confer titles and other marks of distinction on its native subjects, as something of this nature is much wanted to cause a pride and emulation to meritorious actions, and to animate them to acts that will bring them forward to public notice.

29. What is the state of the roads, bridges, and other public works in the district under your authority, and at whose expense are they kept in repair?

Great improvements are making in the roads of this zillah by the zemindars and other persons: some individuals have made puckah bridges, and many more are about to make others, all at their own private expense, the names of whom, at the close of the year, I will submit to the presidency.

30. How are the convicts in the district usually employed; and is there any manner of employing them which appears to you preferable to the manner in which they are at present employed?

The convicts have been employed in making public roads, and in the improvements of the places round about Comillah, the station of our residence; and I am certain they could be no where better employed than in the works I have undertaken with them in this zillah.

31. What is the state of the jail in your zillah?

The state of the jail in my zillah is in the highest order, and kept as clean and as sweet as any house possibly can be.

32. What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character in your zillah, commissions empowering them to act as justices of the peace? Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons; would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

To trust the zemindars and farmers, or any other natives of this zillah, with power to act as a Justice of the Peace, would be attended with very serious consequences, as I am confident they would abuse the trust in the extreme, and make it a source of oppression, for there is not one man of character amongst the proprietors fit to be delegated with such power. In fact they would make the power subservient to the animosity existing between them, which I am clear would be attended with the most serious bloodshed, and a renewal of the dreadful boundary affrays that formerly existed in this zillah; the few merchants in this zillah of property I am certain would not undertake the duty.

33. Are there any new Rules or Regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

There are many petty crimes in this zillah, which the Magistrate has not power sufficient to punish, I mean in the confinement of one month, and thirty stripes, for which he is obliged to refer to the Court of Circuit; were he only to refer serious gang-robberies, murders, forgery and perjury, to the Court of Circuit, and empowered himself to try all other causes according to the Mussulman law, with the molavy of his Court, and on his futwah pass sentence, I am sure it would infinitely tend to the suppression of petty crimes, and the inhabitants themselves would be more willing to come forward with alacrity and satisfaction; at present, while they are obliged first to attend on the Magistrate, then on the Court of Circuit, their zeal and inclination towards the apprehension of petty robbers is checked, and they will not exert themselves with that energy they otherwise would, were this mode adopted. Indeed the disposition of the natives in general is such, that they would rather prefer suffering under their loss than of their own accord come forward, though sure of recovering the major part of their property, as their indolence induces them to prefer that a robber should escape than they be put out of their way for what they call tardy justice, and on this account it is with the utmost difficulty the drogates obtain information to enable them to trace out robbers.

The greatest evil I know of in this zillah, arises amongst relations, particularly with the Mussulmen, and I believe I may safely aver, there is not a proprietor, from the zemindar down to the most insignificant talookdar, in whose family the utmost animosity does not prevail, even the women are accessary to it, to that degree that they have scarce ever the confidence to trust each other in the cooking of their victuals, for fear of being poisoned to obtain possession of a trifling property existing in a landed estate, or often on the death of a brother, the other marries the wife, to prevent her carrying away her dowry or marrying out of the family, and often by violence, and as often secretly compromised. If means offer for making off with an elder brother by a younger, so as to escape justice, I am certain it is not left untried, consequently I am confident that in times of sickness an advantage is taken to throw every obstacle to recovery. The evil is so great in this respect, that I know of no remedy that I could propose short of sequestration, whenever it occurs, and depriving the heirs of the property.

34. What has been the operation of the last Regulation respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes now levied on spirituous liquors, have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

The establishment of the Abkary tax, I hesitate not to say, has been of infinite benefit

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in the prevention of drunkenness; and that it has certainly suppressed it in the greatest degree; and that it by no means prevails at this moment in that excess it did prior to the establishment of this tax.

35. Do any measures occur to you, the adoption of which would in your opinion contribute progressively to the improvement of the moral character of the inhabitants of the district?

The improvement of the moral character of the inhabitants in this district, in my mind, greatly depends on the power vested in the Magistrate, and the cauzee establishment being put on a more eligible footing, as the greatest portion of the inhabitants in this zillah are Mussulmen: I judge this from past experience, for since I have pointed out to the drogates that it is not only their duty to apprehend on complaint, but act instantly on a knowledge of any criminal act, particularly to prevent, when they hear of any affrays likely to commence, as prior to my giving this order, petty crimes and affrays were very frequent, particularly the latter, and since, much suppressed; more especially by my declaring that every head of a village is answerable for all criminal acts being reported to the drogate; the good effect of which now is, that I have an immediate knowledge of all mofussil occurrences, and to this I principally consider, as I have before said, murder being greatly suppressed. And I am well aware that it is only from a dread of my taking up all causes through the vakeel of Government, where the parties from interested motives avoid coming forward, that they do not proceed in their animosity to acts of violence, as their dispositions in general are of the worst kind, from their extreme ignorance, and their proneness to acquire by knavish conduct any property whatever.

The cauzees of this zillah are not men to give that respect to the office, that would tend to improve the morals of the people, they ought in fact to set the example; of course their situation should be such as to make them independent and respected; and moreover, none ought to be employed but those who are well educated; they should certainly be men competent to instruct and advise, and should be made to reside at a fixed spot, which is far from the case in this zillah: they are here only considered as a convenience to make attachments, and as a testifier of deeds, and by no means are considered in the light of priests, their real character.

This I consider must ever be the case, while their situation is as above pointed out, with the office of Cauzee; to give it that respectability, and render it of use and beneficial to the morals of the people, there should be an established place of residence, the property of Government, yielding an income at least sufficient to maintain him with that decency suitable to the character of a priest, and regular fees should be established for his attending at religious ceremonies; and those permitted to act under him, should in all cases be confirmed by the Magistrate, and obtain their sunnud from him. Whereas at present his delegates are a set of the most stupid illiterate beings that possibly could be imagined; and ere men are employed as cauzees, it should be well ascertained that he is qualified for the office by education, and by their moral character competent to instruct and advise.

Their place of residence should be an established school; and were it to be made an act of Government that no person but a cauzee, or his authorized delegates, should act as preceptors or tutors, I have every reason to suppose that it would tend greatly to establish a system of real and useful education, which at this moment does not in any degree exist, is much wanted, and I am certain the morals of the people never can be improved without some system of this nature be established, both for Mussulmen and Hindoos.

36. In your opinion, what has been the effect of the Regulation, which declares persons convicted of the crime of perjury, liable to be marked on the forehead?

Of late, the civil causes in this zillah have been very few, compared with former times; as likewise the commitments for perjury, and in those instances have escaped conviction before the Court of Circuit; I have therefore had no opportunity to judge what could have been the effect of the Regulation with respect to perjury, which declares persons convicted of the crime of perjury, to be marked in the forehead.

37. What has been the operation of the punishment of transportation introduced by the British Government?

The operation of the punishment of transportion is considered here as a kind of death, but its operation is not of that consequence that could be wished, to deter robbers from their various acts of depredations, as in general men of this habit rarely quit the profession of a robber.

38. Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity, or with too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is in your opinion administered?

The question whether the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity, or with too much severity, and what I suppose to be the consequences produced, to answer, I must consider it in two lights; the one, as regarding the Court of Circuit, the other, the Magistrate: in the first, I have no reason to consider it as administered either with too much lenity or severity, and have no hesitation in declaring the substitute of punishment for mutilation,

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has been not only an act of humanity, but attended with the utmost benefit to the country, in withdrawing these shocking sights from the public view, which before was an evil and a great nuisance in the streets, and a source of oppression, as hardened beggars who went about, and all dreaded a refusal of charity to them, from a fear of their encouraging deceits to resent it. Their acts of depredation were such as to make these vagrants live in a style of handsome independence; and with regard to the effect of the operations of the spirit in which the criminal law is administered by the Court of Circuit; it is ample and effectual, so far as regards the punishment; formerly the parties were brought in, tried, and sentence immediately passed, and prosecutor and witnesses discharged; to this mode of procedure the natives are partial, and wish it in general continued, though it must have been cruel and harsh, and liable to great objections; whereas in the present mode, every man put to his trial has ample room for proving his innocence, which was by no means the case before. I therefore conceive the consequence produced by the present mode of trial by the Court of Circuit, that the innocent are not now confounded with the guilty, consequently strict justice is now administered.

With regard to the Magistrate, the power vested with him, is inadequate, for the many reasons I have before stated, nor has the authority to dispense with an oath, even from men of the highest rank, so as to receive a complaint on their subscribed declaration, as is authorized with Mussulmen and Hindoo witnesses of rank; the consequence is, that their servants and attendants rob and plunder them with the utmost impunity, and they are particularly interested to secrete such acts of depredations, for fear of their being brought before the Court to swear to the charge; the evil is of a very serious nature; large sums have been made off with, and been submitted to, rather than take the gungagil in their hands. Such is their religious prejudice; whereas, on the other hand, were the Magistrate permitted to sanction the declaration in such instances, as is permitted with respect to witnesses of rank, it would tend infinitely to the good police of the zillah.

39. What is the nature of the general conduct of the Europeans, not in the service of the Company, who reside within your jurisdiction?

The conduct of the Europeans in this zillah, not in the service of the honourable Company, is in every respect satisfactory.

40. What is the general condition of the weavers, and other manufacturers, in your jurisdiction? Are the existing Laws and Regulations well calculated for insuring justice to the weavers and manufacturers, in their dealings with the officers of the Company, and with private European merchants; and also for enabling the officers of the Company, and the individual European merchants, to obtain from the weavers and manufacturers, the punctual performance of their engagements for the provision of goods?

The condition of the weavers and manufacturers in this zillah, is in general very independent, and the favourable mode of trial for them is such that they avail themselves of it; those that carry on the trade of a weaver or manufacturing pykar, in general have large families; if not, they can employ naibs, at at very inconsiderable expense compared with what a European must incur in a prosecution in the Court; which I am aware has induced many a gentleman to decline having recourse to the Adawlut, rather submitting to their first loss than have to cope with the knavery and venality of a native, and incur further loss; for in the event of their obtaining a decree, however just, they instantly appeal, and in the meantime make away with their property in a mode that it is utterly impossible for an European to recover his just due by attachment of property, nor can he cause the apprehension of his person, as they abscond to a distance, and secretly reside with some of their relations: to such an extent is this now carried, that it is no uncommon practice amongst this set of people to receive advances from one gentleman, and with that very money make purchases, and sell it to another European for a trifling gain, and then, with the utmost effrontery, go and make some plausible excuse in plea for the non-performance of their contract, for which they have received their advances; so great is the evil now become, that it is even likewise no uncommon thing for a man to take advances with a determination to restore but little of the property, and leave it to be recovered by the tedious process of a civil suit; hoping, in the meantime, from some favourable occurrences by which the payment may be eluded for ever: formerly it was customary with the gentlemen to send a peon to lay hold of them, bring them in, and secure their demand by ample security; but as nothing of the kind now exists, the natives take the utmost advantage of it; I therefore recommend in the strongest terms, with respect to trade, the adoption of the summary process authorized by the 7th Regulation of A. D. 1799, which I am confident will effectually check the serious grievance so justly complained of, and tend, infinitely beyond any other measure I can propose, to stop this growing evil, and be the means of the future prosperity and welfare of the trade in this zillah, not only with respect to the European traders, but also respectable native merchants, who of late have begun to give up the idea of making any advances in future, and trust to ready purchases: should this really become the case, I fear that the Baftah commerce, which is of a very extensive concern in this zillah, will be materially injured.

John Eliot,
Judge and Magistrate.

(Compared)
Richard Joseph Powell, Assistant.

No. 1.

Answers by the JUDGES.

Dacca Division.

Zillah Tipperah, 23 April 1802.

No. 1.—ABSTRACT Statement of the Dewanny Causes, required by the Interrogatories of the 29th of October last.——CAUSES of Judge and Register.

YEAR.	Suits triable by the Judge.	Suits triable by the Register.	TOTAL.	Suits decided by the Judge.	Suits decided by the Register.	Total Suits decided by the Judge and Register, from 1798 to 1801.	Suits depending before the Judge.	Suits depending before the Register.	Total Suits depending.
From April 1793	130	288	418	- -	- -	- -	138	288	418
From May to December - 1793	476	3,092	3,568	32	557	589	444	2,535	2,979
- - - - 1794	556	5,396	5,952	126	2,034	2,160	430	3,362	3,792
- - - - 1795	169	2,200	2,369	788	7,406	8,194	- -	- -	—
- - - - 1796	83	398	481	143	418	561	- -	- -	—
- - - - 1797	88	566	654	175	340	515	- -	226	226
- - - - 1798	54	340	394	199	649	848	- -	- -	—
- - - - 1799	53	213	266	116	248	364	- -	- -	—
- - - - 1800	60	164	224	40	476	516	20	- -	20
- - - - 1801	37	138	175	65	485	550	- -	- -	—
	1,706	12,795	14,501	1,684	12,613	14,297	894	6,123	7,435

TOTAL Suits decided - - -	14,297
TOTAL Suits depending before the Judge and Register, from the 1st of January 1802 - - - -	204

Dewanny Adawlut, Zillah Tipperah, the 23d April 1802

John Eliot,
Judge and Magistrate.

No. 2.—CAUSES of Native Commissioners.

YEAR.	Causes decided from 1795.	Causes depending.	Total Causes.	REMARKS.
From May 1795 - -	14,912	508	15,420	—
- - 1796 - -	16,917	900	17,817	—
- - 1797 - -	15,375	1,100	16,475	—
- - 1798 - -	13,510	11,359	24,869	—
- - 1799 - -	13,509	497	14,006	—
- - 1800 - -	12,183	- - -	9,909	—
- - 1801 - -	8,846	- - -	7,217	—
	95,252	14,364	105,713	

Dewanny Adawlut, Zillah Tipperah, the 23d April 1802.

John Eliot,
Judge and Magistrate.

No. 1.

Answers by the JUDGES.

Dacca Division.

To George Dowdeswell, Esq. Secretary to the Government in the Judicial Department, Fort William.

Sir,

IN compliance with the orders contained in your letters, under date the 29th October 1801 and 1st April 1802, I have now the honour to transmit, for the information of his Excellency the Most Noble the Governor General in Council, my Answers to the several Interrogatories enclosed in the former.

I have the honour to be, Sir,
Your most obedient servant,

Zillah Sylhet,
1st May 1802.

E. Roberts, Judge and Magistrate.

INTERROGATORIES:—1. What is the number of Causes now depending before you, before your Register, and before the Native Commissioners?

ANSWERS:—1. The Causes in the Court on the 31st December last, were as follows:—before the Judge, including Appeals, 170;—before the Register, D° - 492;—before the Native Commissioners, 1,575.

2. What proportion does the number of causes now depending before the three tribunals, of the Judge, the Register, and the Native Commissioners, bear to the number of causes usually depending during the several years commencing from the year 1793 to the present period?

2. The causes before the Judge are in the proportion of 100 to 108, decreasing; before the Register, 100 to 86½, increasing; before the Native Commissioners, 100 to 52$\frac{1}{3}$, increasing.

3. What number of causes was decided in the past year by you, by your Register, and by your Native Commissioners?

3. The causes decided last year appear from the Records:—by the Judge, 168;—by the Register, 156;—by the Native Commissioners, 5,496.

4. What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the Native Commissioners? And what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced?

4. I imagine the number of suits must necessarily be,—before the Judge, from 20 to 80;—before the Register, 60 to 150;—before the Native Commissioners, 600 to 1,000; but it is almost impossible to form a correct statement on the subject, because the number of causes will always depend on the grounds of complaint that may arise between man and man: sometimes the file of the Court becomes considerably reduced, and at others rapidly increased. The pressure of Fouzedarry business, the numerous complaints instituted under the 45th Regulation of 1793, particularly at the season for sowing and reaping the harvests, together with extra petitions presented weekly, occupy much of that time that might otherwise be devoted by the Judge to regular civil suits: in general, the causes in this district are reduced as low as they well can be, although in some years they may appear increased.

5. Are you prepared to suggest the establishment of any rules, which (consistently with a due administration of the laws) would expedite the decision of suits? Are you of opinion that this object would be in any degree promoted by leaving it optional in the different tribunals, to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing or not, as the judges may think proper?

5. The business of the Court would certainly be curtailed by not committing the depositions to writing, in causes not appealable; at the same time I consider it my duty to offer a few remarks on the subject, because I conceive any deviation from the present mode might be attended with prejudicial consequences. Although I admit the petition of complaint, answer, reply, and rejoinder, ought to state every circumstance relative to the cause, yet that is seldom if ever the case, and minute particulars only become known on the examination of witnesses; consequently, their depositions may be truly said to form the basis of decisions. If this statement is admitted to be valid, it follows of course that the omission of recording them must subject the parties to great inconvenience hereafter; perjury, which is no uncommon crime amongst the natives, might be committed almost with impunity, and if the witnesses died, their testimonies would be lost for ever; whilst the natives of this province who are prone to litigation, falsehood and malice, would be happy to avail themselves of the opportunity to be thus afforded, by a diminution of the established proceedings, to renew their complaints in different forms and shapes on every change of administration; the repetition of law suits would harass and torment the inhabitants, and little confidence could be placed on the decree of any court of judicature.

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Answers by the JUDGES.

Dacca Division.

Zillah Sylhet, 1 May 1802.

6th. Are you of opinion that it would be advisable to extend the jurisdiction of the Native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding 200 sicca rupees? What is the amount to which you would recommend the jurisdiction of the Courts of the Commissioners, and of the Registers, should be extended; and to what degree would the general administration of justice, in the district subject to your jurisdiction, be expedited by the adoption of this arrangement?

6th. The munsiffs in this district are such a set of miscreants, and decide their causes in most instances so contrary to every principle of justice and equity, that any additional power vested in them, would tend more to the oppression than to the relief of the community. The division of landed property and general amount suits throughout the district, fortunately renders any increase, in my opinion, unnecessary. In respect to the Registers of civil courts, on whose knowledge and veracity reliance may be placed, I would recommend giving them the power to hear and determine all causes under 500 rupees.

2. It is not, in my humble opinion, the forms of law, nor the voluminous proceedings of the courts of justice, that clogs and retards the functions of a Judge and Magistrate, Register or Assistant, so much as the method of conducting business, unavoidable from section 5, Regulation III. of 1793, and the existing orders of the Sudder Dewanney Adawlut, under date the 25th July 1798.

3. The variety of cases, all of them more or less intricate, which constantly occur in the civil and criminal departments, renders it impossible to keep in mind the different points of investigation in all, whilst the officers of both are engaged alternately in one court or the other; so that when a cause cannot be immediately decided (which is rarely the case) particularly in the Fouzedarry, the documents must be repeated by perusal, and taken into consideration; whereas by having a number of civil suits ready at particular times, the whole attention of the Judge might for the moment be devoted to them; at the same time the Register, as assistant to the Magistrate, might be conducting the business in the Fouzedarry, and equally unengaged in other matters. To obviate therefore the inconvenience represented, as well as to facilitate the administration of justice, I beg leave to propose, that section 5, Regulation III. of 1793, should be rescinded, and the Judge or Register only obliged to assign reasons for not deciding 60, 66, or even 72 causes in the course of 6 months, in lieu of 10 per month, agreeably to the order above alluded to.

4. I have always considered the functions of a Magistrate, as far as regards the peace, welfare, and security of the inhabitants, more important than the duties of a Judge, and my attention has been principally directed to lessen or rather to put the business of the former on a footing with which it may be executed with facility and dispatch; and should Government in their wisdom think proper to adopt the measures I have proposed, I feel confident of their proving beneficial in this district.

7. Has litigation been checked by the establishment of the fee paid to Government as the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of law suits to be too considerable or otherwise?

7th. Has no doubt been checked by the established fees and stamp duties; some few instances might be found wherein the parties have voluntarily sustained a loss rather than incur the heavy expense attending a prosecution; but on the whole, I cannot just now recommend either a decrease or increase.

8. Do the fees paid to the licenced vakeels on suits instituted or defended by them, constitute a sufficient inducement to men of character and of proper qualifications to undertake those situations? Are the vakeels attached to your Court, persons of the above-mentioned description, and are they in general well acquainted with the printed Regulations?

8. I should suggest an increase of the vakeels fees, if the poverty of the inhabitants of this district would enable them to pay the additional expense, in order that the appointment might be an object for men of character to attain, which, I am sorry to say, it is not in this Court; nor are they so well acquainted with the printed Regulations as they ought, or I could wish them to be.

9. Has the establishment of licenced vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of suits instituted?

9. The establishment certainly tends to elucidate the merits of the suits instituted; but the natives are so suspicious, that in general they are afraid to trust even their vakeels with all particulars and circumstances of their cases, previous to the time of trial.

10. Do the vakeels in general discharge their duty to their clients with honour and fidelity?

10. In general, I am willing to believe they do; I have had no serious charges to the contrary against any of them.

11. Are the principal inhabitants of your jurisdiction as well acquainted as individuals can be supposed to be informed, of the laws of the country?

11. By no means.

12. Are

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Answers by the JUDGES.

Dacca Division.

Zillah Sylhet, 1 May 1802.

12. Are you prepared to state any alterations in the forms established for the trial of of civil suits, which would would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

12. Although the forms now established might be reduced, yet it might be difficult and dangerous to revise or correct any part of the present system, without endangering the solidity of the whole; which practice, not theory, proves to have been founded on consummate wisdom and experience.

13. Have you in your Court-room any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms and ceremonies do you observe in opening your Court, or setting in it?

13. There is a platform raised at one end of the Court-room with an open railing in front, on which the Judge sits in the centre, the Mahomedan law officers on the right, and the Sherishtadar and are Mohrir stand on the *left*. At a table placed opposite the Judge below the bench, the Mohrirs are arranged on each side, and the vakeels and the parties themselves stand in front; there are benches also situated in different parts of the same room for the Hindoo law officers and authorized pleaders; when the Judge goes into Court and reaches the bench, the officers, vakeels, and persons in the Court-room make a salam, and when seated, the nazir informs the Judge of the causes ready for trial, agreeably to the publication, on which the parties respectively are called upon to come forward, either in person or by vakeel.

14. Are there any private schools or seminaries, in the district under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are those institutions maintained?

14. There are no regular schools or seminaries; but in different places a certain number of boys went together, where they are taught to read by a malnah, the expense of which is defrayed by the parents respectively.

15. What is your opinion regarding the general moral character of the inhabitants of your district? Has the moral character of the inhabitants in general been improved or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

15. I am of opinion the general character of the natives, I mean the lower class, including the petty talookdars in this district, to be extremely profligate and immoral; their thoughts seem bent on defrauding their neighbours by hook or by crook, whilst others devote themselves to every species of sensuality and voluptuousness; I am induced however to believe they are not so bad as they were under the Mogul government, and may be considered improving, though the progress is slow.

16. Are you of opinion that the inhabitants in general of the district under your jurisdiction, consider their private rights and property to be secured by the present constitution of the country, against infringement, either by the executive authority itself, or by individuals?

16. I am of opinion, that the inhabitants of this district consider their private rights and property secure in every respect; their avarice on one hand, and their contumacy on the other, deter them frequently from seeking redress of private wrongs in a legal manner.

17. Are you of opinion that the district under your jurisdiction is in a state of improvement or otherwise, with respect to its population, cultivation, and commerce, and its buildings or other works for religious, domestic, or other purposes; and on what grounds do you form your opinion?

17. This district is certainly improving in cultivation and commerce; the former I have learnt from the cander of some of the landholders, and the latter from the merchants, who find a greater quantity of the staple commodities at distant markets than formerly. I cannot take upon myself to speak with certainty as to the population, but I am inclined to believe it has decreased. Notwithstanding most of the staple commodities of this district, can only be worthy the notice of petty merchants, several Armenians resort to this place for the ostensible purpose of trading, which consists chiefly in the purchase of young children, whom they sell at Dacca or Calcutta; if my private information is correct, one Marcut, commonly called Berrah Marcut, lately bought ten boys and girls for 200 rupees, and sold them at Daun for 100 rupeees each, to the following persons: Seemun Saheb three; Teridge D'Phanuse, generally styled Chutan Padre, and his son Abbey Teek, to one of whom since died in child-bed; Cojah Aratoon one; his aunt and brother-in-law, Susan Bebee and Sambell, one each. The regulations consistent with the custom of the country, admit of slaves for domestic purposes; nor do I know that the trade is carried on for ultimate exportation. This species of traffic however, in my humble opinion, ought to be stopped as soon as possible; but the powers vested in the magistrate are so confined, that few acts can justify an interference without a regular complaint, which of course will scarcely happen, when all parties are satisfied. In regard to public buildings for religious purposes, in lieu of having increased, there are several Mahomedan mosques situated in the town of Sylhet, that are going to decay for want of common repairs; on the other hand, several small Hindoo temples have been built in different parts of the country. Some of the merchants about the town of Sylhet seem to be changing their matted dwellings for pucka houses, and those who cannot

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cannot go to that expense, content themselves with small brick walls round their habitations in lieu of ditches or common fences, which certainly indicate in the several degrees, prosperity and ease.

18. Are you of opinion that the inhabitants of the district subject to your jurisdiction, are in general satisfied with the British Government?

18. The intercourse of Europeans with the natives must ever be of that nature to preclude their speaking freely and openly on the subject of Government; I have no reason to suppose the inhabitants of this district dissatisfied with the British Government.

19. Is the present system of police well calculated to insure the apprehension of offenders?

19. I by no means think the present system of police well calculated to insure the apprehension of offenders; in my opinion there is too much procrastination and delay; nor does the 11th Regulation of 1796, sufficiently explain the regular process to be observed against persons who are neither landholders nor farmers.

20. Are the Police Establishments, in the district subject to your jurisdiction, adequate to the duties required by them?

20. In this district the Police Establishment is certainly inadequate to the protection of the inhabitants, or for the purposes required. And I beg leave to enclose an extract of my letter to the Commissioners appointed by Government in the year 1799, from which, I trust, it will appear self-evident the alterations are indispensable, and ought to be made, although I have waved intruding my observations again on the notice of Goverment; in addition to which I would recommend, that during the rainy season, viz. from the 1st May to 31st October, one boat with a mangee and eight dandies, to be allowed at each thannah; otherwise the system will be still incomplete, as the robbers attack and plunder their neighbours in boats at that period.

21. Are you of opinion that the number of crimes committed annually, in the district under your jurisdiction, has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

21. The number of crimes, from the additional number of causes, as well as prisoners, have unquestionably increased; the reasons are ascribable partly to the profligacy of the natives; partly, I conceive, to the present system of collecting the revenues; but above all, to the inefficacy of the police.

22. What crimes of enormity are most prevalent in the district under your authority; what is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

22. The crimes of enormity most prevalent in this district, are night robberies and murder; the reason, and means of suppression, have been in some measure already pointed out in the two preceding Answers.

23. Do the inhabitants in general, of the district subject to your jurisdiction, keep arms in their houses; what description of arms do they retain, and for what purposes are the arms retained?

23. Most of the inhabitants keep arms in their houses, such as matchlocks, tulwars and spears; they serve for show, and the celebration of festivals and amusement.

24. Are there any brick or mud forts in your district; in what state are the forts; and what is the nature of their construction?

24. There are a few brick buildings denominated forts, built along the foot of the Corpeeah Mountains, and lying nearly east and west of Sylhet, and one at Bonasyl; the former were erected to keep in awe the copuahs, and to prevent their attacking the low lands with impunity; they have walls, with bastions at each corner for the guards and ammunition.

25. What proportion do the Hindoos bear to the Mahomedan inhabitants in the district subject to your authority; and what do you suppose to be the number of the inhabitants of the district of all descriptions?

25. I consider the proportion of Hindoos to Musselmen as two to three, and the whole population of the district five lacs. This statement has been taken as a calculation of the inhabitants, and therefore I imagine it must be correct.

26. What are the names of the persons possessing the highest rank and the greatest opulence in the district subject to your jurisdiction; what number of followers, armed or otherwise, are they supposed to maintain in their service; and do they appear abroad with such followers armed?

26. Adam Reza, Koorbaun Reza, Allum Reza, Assud Ul Reza, Mohamud Allu Khan, Mainckchund, Ramruttar, Gholaum Sufdah, Rauje Mungul, Abdool Russeed, Jeebun Kissen, Golaum Hossam, Bridgoram, Soonder Ram, Mohamud Natur, Mohamud Batur, Eza Reza, Hurry Surrun, Kishen Gobind, Allum Keza, son of Auwar Khan. Many of the above persons have two or three servants, armed with tulwars, to attend them, when they go about in the mofussil.

27. Are there any persons, in the district subject to your authority, supposed to be disaffected to the British Government; what are their names; and to what means do you resort for superintending their conduct? Have these persons any influence in the district, and to what extent?

27. There are no persons, to my knowledge, at present disaffected in the district.

28. Are

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28. Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

28. I certainly am of opinion it would be a very judicious measure, if Government were to confer titles and other marks of distinction on the native subjects; at the same time the greatest precaution, and every possible information should be procured, in regard to the character of the person on whom it may be conferred, and revocable for any misconduct.

29. What is the state of the roads, bridges, and other public works, in the district under your authority, and at whose expense are they kept in repair?

29. The only public roads and bridges in this district are about Sylhet, and kept in repair by the convicts.

30. How are the convicts in the district usually employed; and is there any manner of employing them, which appears to you preferable to the manner in which they are at present employed?

30. I know of no better means of employing the convicts, than that above stated, and cleaning the holes and ditches about the town, on which I employ them as often as times and weather will permit.

31. What is the state of the jails in your zillah?

31. One of the jails is in a very bad state, and it is my intention to address Government separately on the subject.

32. What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character in your zillah, commissions, empowering them to act as justices of the peace? Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons; would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

32. I would by no means recommend any commissions being granted to the inhabitants of this zillah, empowering them to act as justices of the peace. Landed property is so much divided, that there is scarcely a convict who is not a talookdar; and therefore such a measure in this district would only tend to create the utmost confusion and disorder.

33. Are there any new rules or regulations which you would recommend to be adopted, as being calculated in your opinion for the suppression of crimes in general?

33. The best rule that can be devised for the prevention of crimes, in my opinion is, to establish an efficient police.

34. What has been the operation of the last regulation respecting the tax upon spirituous liquors, with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes now levied on spirituous liquors, have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

34. The Abkarree Mehaul in this district is very small, and therefore it may be presumed the vice of drunkenness is not a prevalent crime; the natives have been from time immemorial so habituated to coppah, that there is scarcely a ryott in this district who does not endeavour by stealth and in unfrequented places, to cultivate a sufficient quantity for the annual consumption of himself and family; indeed this drug has become from habit as necessary to them, as tea is to the commonalty in England.

35. Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the district?

35. General knowledge, which may be considered as a principal, if not the only source for the improvement of morals, must be confined amongst the lower class of natives; whilst they remain so illiterate, and have so few books that can tend to improve or enlarge the ideas of the mind, I certainly think it would be beneficial to erect seminaries or schools in each pergunnah, to be superintended by the cauzy over the Mussulmen, and some respectable brahmin over the Hindoos; two days should be appropriated for the tuition of youth, and one for the perusal of the Regulations of Government; so that every person who wishes it might attend, and become acquainted with the laws enacted by the rulers of the British kingdoms.

36. In your opinion, what has been the effect of the Regulation, which declares persons convicted of the crime of perjury, liable to be marked in the forehead?

36. I think the law a good one to be held in force in terrorem, but I would only recommend the execution in particular cases, because it leaves an everlasting stigma on the culprit, who might find difficulty, even after repentance, to obtain an honest livelihood; indeed the Court of Circuit I believe coincide in this opinion, as the law has never been enforced in this district.

37. What has been the operation of the punishment of transportation introduced by the British Government?

37. Very beneficial, as the natives dread it as much as death.

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38. Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity, or with too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

38. As far as I am able to judge, I think of late the criminal laws have been executed with more severity than formerly, which has tended to have a good effect on the inhabitants. If notorious culprits were obliged to give security for their good behaviour after the term of confinement, the law might prove salutary, because they generally, I fear, resort to their former mal-practices with the addition of experience, which prevents their detection. Since it is evident the minds of the natives, I mean in this district, are not sufficiently refined to admit of leniency, which is construed into erroneous motives, I think a rigid execution of the laws more likely to impress on their minds a proper way of thinking, than clemency.

39. What is the general condition of the Europeans not in the service of the Company, who reside within your jurisdiction?

39. The Europeans in this district conduct themselves with the greatest propriety, and, generally speaking, the inhabitants are satisfied with the integrity of their dealings.

40. What is the general condition of the weavers and other manufacturers in your jurisdiction? Are the existing laws and regulations well calculated for ensuring justice to the weavers and manufacturers in their dealings with the officers of the Company, and with private European merchants; and also for enabling the officers of the Company, and the individual European merchants, to obtain from the weavers and manufacturers, the punctual performance of their engagements for the provision of goods?

40. I consider the existing laws and regulations well adapted in every respect for the purposes specified in this interrogatory, both for insuring justice to the manufacturers in their dealings with the private European merchants in this district, and for enabling the individual European merchants to obtain from the manufacturers the punctual performance of their engagements.

Zillah Sylhet, 1st May 1802.

C. Roberts, Judge and Magistrate.

Extract of a LETTER written by Christopher Roberts, Esq. Magistrate of Zillah Sylhet, to G. H. Barlow, J. H. Harington, A. Macklue, and W. Blaquire, Esqrs. Fort William, under date 24th June 1799.

Para. 2. As this district differs from most others, I must take the liberty of briefly communicating the peculiar nature of it: very few of the landholders in Sylhet, which contains about 27,000 talookdars, pay on an average, an annual jumma exceeding forty cawns of couries, consequently their poverty prevents their retaining nagabauns, chokeydars, village watchmen, &c. as specified in section 13, Regulation XXII. of 1793; independent of which, their ignorance, apathy and timidity, deters them from granting assistance to the Police Officers on an emergency, so that when crime is committed, every person being anxious only for his own safety, the whole weight of the internal police devolves on the thannahdar, and I doubt not his salary and establishment, as enclosed No. 1, will appear very inadequate, either to the important trust reposed in him, or general safety of the inhabitants; at the same time it must be self-evident, that the lives and property of the community can never be secure without an adequate establishment, or from a general and local knowledge of the inhabitants; the former could not be acomplished without going to an immense expense, and the necessary information required by the latter is at present in this district more confined than elsewhere, because on consideration of the revenues being collected in couries, the currency of the district, added to the number of talookdars, Government have been pleased to alleviate them, by appointing zillahdars or tehsildars in every pergunna, to collect and remit the revenues to the sudder, by which means the generality of the people have little or no intercourse either with the Magistrate or Mufussil Police Officers.

Para. 5. The town of Sylhet, about one mile in length, two and a half in breadth, and five in circumference, suffers greatly for want of an established cutwal, which, I believe, is granted in every other principal city. Since my arrival at this station, I have kept ten additional peons to prevent the number of petty thefts and robberies that happened nightly; but I am sorry to add, the evil still exists in a very great degree, nor can the thannahdar get through the business to my satisfaction, including the separate duties of Zillah Parcool; for these reasons, I take the liberty to recommend that a cutwal with an establishment, may be granted for the protection of the town of Sylhet, and also a distribution of the thannahdars, agreeably to section 4, Regulation XXII. of 1793, as particularized in my enclosure No. 2. I have to remark, that the north-west frontier thannah is indispensibly necessary to prevent quarrels between the purchasers of lime stones and the hill people; the thannahs of Lahore and Bungong being situated near the hills, it was deemed expedient to allow those thannahdars more burgundosses than the others, in order to be guarded and prepared against sudden incursions.

(A true Extract.) *C. Roberts*, Magistrate.

Answers by the JUDGES.

Dacca Division.

Zillah Sylhet, 1 May 1802.

No. 1.—POLICE Thannah Establishment of Zillah Sylhet.

No. 1.	Zillah Parcool, estimated at 11 coss; viz.				
	1 Darogah	15	0	0	
	1 Jemadar	6	0	0	
	4 Burgundosses	12	0	0	
	1 Mohrer	5	0	0	
	Stationary	4	14	0	
					42 14 0
2.	Zillah Latoo — 16 coss, as above particularized				42 14 0
3.	— Hingajeeah 12 D° — D°				42 14 0
4.	— Russool gunge 28 D° — D°				42 14 0
5.	— Nubbe gunge 12 D° — D°				42 14 0
6.	— Sunker possah 21 D° — D°				42 14 0
7.	— Taujepore 10 D° — D°				42 14 0
8.	— Rauje nagur 16 D° — D°				42 14 0
9.	— Noah collee 10 D° — D°				42 14 0
10.	— Abeedabad 10 D° — D°				42 14 0
11.	— Bunsicoorah 22 D° — D°				42 14 0
12.	— Luskerpore 13 D° — D°				42 14 0
13.	— North-west Frontier, viz.				
	1 Darogah	15	0	0	
	1 Mohrer	5	0	0	
	2 Peons	6	0	0	
	Oil and paper	4	0	0	
					30 0 0
					544 8 0
	Thannah at Lahore and Bungong				157 13 4
	Sicca Rupees				702 5 4

Errors excepted. (Signed) *C. Roberts*, Magistrate.

No. 2.—Proposed Distribution of the Police Thannahs.

No.	PROPOSED ALTERATION.		Estimated extent in square coss.	Total.	Proposed increase of Thannahs.
1.	Parcool		11	11	1 Thannah.
2.	Latoo		16		
	Add increase from Hingajuah		4	20	2 Ditto.
3.	Hingajuah	12			
	Deduct, transferred to Latoo	4		8	
	Add increase from Rauje nagur			2	
				10	10 Ditto.
4.	Russool gunge		28		
	Add increase from Bunsicoorah		2	30	3 Ditto.
5.	Nubbee gunge		12		
	Deduct, transferred to Noah collee		2	10	1 Ditto.
6.	Sunker passah		21		
	Deduct, transferred to Luskerpore		1	20	2 Ditto.
7.	Taujepore		10	10	1 Ditto.
8.	Rauje nagur		16		
	Deduct, carried to Hingajeeah	2			
	Noah collee	4			
			6	10	1 Ditto.

(continued.)

No. 1.

Answers by the JUDGES.

Dacca Division.

Zillah Sylhet, 1 May 1802.

No. 2.—Proposed Distribution of the Police Thannahs—*continued.*

No.	PROPOSED ALTERATION.		Estimated extent in square coss.	Total.	Proposed increase of Thannahs.
9.	Noah collee	-	10		
	Add increase from Nubbee gunge	2			
	Rauje nagur	4			
	Luskerpore	4			
			10		
				20	2 Thannahs.
10.	Abeedabad	-	10		
				10	1 Ditto.
11.	Bunsicoorah	-	22		
	Deduct, carried to Russool gunge	-	2		
				20	2 Ditto.
12.	Luskerpore	13			
	Add increase from Lunkerpossah	1			
			14		
	Deduct, carried to Noah collee	-	4		
				10	1 Ditto.
13.	North-west frontier	-	-	-	1 Ditto.
14.	Lahore	-	-	-	1 Ditto.
15.	Bungonge	-	-	-	1 Ditto.
	Total Thannahs	-			21

Proposed Establishment for the foregoing Thannahs.

	Sa. Rs.	Sa. Rs.
No. 1.		
1 Darogah - - - - -	20 0 0	
1 Jemadar - - - - -	6 0 0	
10 Peans, at 3 - - - - ea.	30 0 0	
1 Mohrer - - - - -	5 0 0	
Stationary - - - - -	4 14 0	
		65 14 0
From 2 to No. 19, as above - - -	- - -	1,185 12 0
No. 20. Lahore.		
1 Darogah - - - - -	20 0 0	
1 Jemadah - - - - -	7 0 0	
14 Peons, at 3 - - - - ea.	42 0 0	
1 Mohrer - - - -	5 0 0	
Stationary - - - - -	4 14 8	
		78 14 8
No. 21. Bongong as above - - - - - -		78 14 8
Sicca Rupees - -		1,409 7 4

Proposed Establishment for a Cutwal for the town and environs of Sylhet.

1 Cutwal - - - - - -	50 0 0
1 Nail - - - - - - -	10 0 0
1 Mohrer - - - - - -	6 0 0
16 Peons - - - - - -	48 0 0
Oil and paper - - - - -	4 8 0
1 Jemadar - - - - - -	6 0 0
Sicca Rupees - -	124 0 0

Errors excepted.

(Signed) *C. Roberts,* Magistrate.

(True Copies.)

C. Roberts, Magistrate.

No. 1.

Answers by the JUDGES.

Dacca Division.

To the Most Noble MARQUIS WELLESLEY, K. P. &c. &c. Governor General; Cawnpore.

My Lord,

IN obedience to a letter from Mr. Secretary Dowdeswell of the 3d ultimo, I have the honour to transmit your Excellency a copy of my letter, with its enclosure of the 20th instant to that Gentleman, and remain,

My Lord, with the greatest respect,

Your Lordship's most obedient and humble servant,

John Stracey, Judge and Magistrate.

Zilla Mymensing, the 29th January 1802.

To George Dowdeswell, Esquire, Secretary to the Government, in the Judicial Department, Fort William.

Sir,

ENCLOSED I transmit my Answers to the several Interrogatories contained in your letter of the 13th November last, which I request you will do me the honour to lay before the Honourable the Vice President in Council.

The balance of causes in Court is drawn out to the 30th September last, in consequence of those paragraphs having been written last year; and since I wrote the paragraph respecting the few prisoners in jail without a final and specific order, two or three dekoities have occurred in Pokareah and Burbazoo, with an affray in Susung, which have increased the number of prisoners to about twenty-five, but who will be committed for trial the ensuing Circuit, which will commence on Monday next.

I am, Sir,

Your most obedient humble servant,

(Signed) *John Stracey*, Judge and Magistrate.

Zilla Mymensing, the 20th January 1802.

(A true Copy) *J. Stracey*, J. & M.

ANSWER to the different INTERROGATORIES transmitted in Mr. Secretary Dowdeswell's Letter of the 13th November 1801.

Answer to Interrogatory 1st.—The number of suits depending before me, the Register and Commissioners, including those in appeal to me from decisions passed by the Register and Commissioners, and also those in appeal from the latter to the Register, and all the different suits under Regulations IV. and XLIX. of 1793, and VII. of 1799, to the 30th of September 1801, stand as follows:

Before me - - - -	481	
Before the Register - - -	566	- - Total - 6,547.
Before the Commissioners -	5,500	

Answer to Interrogatory 2d.—Prior to the year 1796 no Commissioners were appointed in this district, and I can find no statement of the number of suits instituted before them prior to the year 1797; but in order to answer this Interrogatory as clearly as I can, I beg leave first to state the suits filed from the 1st of July 1793 to the 31st of December of that and each succeeding year, to the end of 1796; and then from the 1st of January 1797 to the 31st December 1800, including the suits instituted before the Commissioners in their capacity of munsiffs.

Suits filed in the Adawlut:

In 1793 - - -	283	
In 1794 - - -	1,179	Total, in the above three years and six months, 3,153
In 1795 - - -	920	
In 1796 - - -	771	

Filed in the Adawlut before the Commissioners:

			Total.
In 1797 - - -	550 - -	8,362 - - -	8,912
In 1798 - - -	459 - - -	11,550 - - -	12,009
In 1799 - - -	397 - - -	5,355 - - -	5,752
In 1800 - - -	443 - - -	9,086 - - -	9,529
			36,202
Total filed in seven years and a half - - - - -			39,355

The average, by the above statement, for the first three years and a half, previous to the appointment of munsiffs, is about 901 causes per annum; and the average for the last four years, since the appointment of munsiffs, is, within two causes, 9,051 per annum. From the above it may be observed, that although the suits filed in Court have lessened in the last years nearly one half, the proportion, including the suits instituted in the first instance before the munsiffs for the last year, is by no means decreased, but on the contrary increased. As the balance stated in the first paragraph is brought down to the 30th September last, it may be proper to deduct the number of suits filed from the first January last to that period, which being in the Adawlut 462, and before the Commissioners 3,572, making in the whole 4,034, which leaves the balance of causes filed in the period preceding the 31st December 1800 in the Adawlut only 585, and before the Commissioners, 1,928, and the total

balance 2,513, exclusive of the number which have been decided since the 1st of January, which considerably exceeded the balance of former causes, as stated at 2,513.

No. 1.

Answers by the JUDGES.

Dacca Division.

Zillah Mymensing, 29 January 1802.

Answer to Interrogatory 3.—I arrived in this district the beginning of May 1800, and during the preceding months of that year all the duties of Judge and Magistrate were transacted by the Register, wherefore the number of causes decided last year was not as many as would otherwise have been; their number stand as follows:

Judge:	Register:	Commissioners:	Total.
93	164	8,873	9,130.

Answer to Interrogatory 4.—From observations I have made on the nature of the suits investigated by me, and those appealed to me from decisions passed by the Commissioners, and those for which applications have been made to me to enforce, I should imagine that the annual number of causes that will be probably instituted in the Court and before the Commissioners, will not exceed 400 in the former, and under 3,000 before the latter, after the present year; but this must depend on conjecture only; for scarcely a sale of land takes place, however trivial, but new grounds of litigation and dispute arise; but I should imagine, notwithstanding the above, that in the course of one or two years more, there will scarcely be a suit instituted that its investigation may not be commenced upon as soon as the pleadings of the parties are filed. The various duties which a Judge is called upon to perform, in answering precepts, executing orders of the Court of Appeal (which I believe is at present more in this District than the whole of the other jurisdictions together under the Dacca Court of Appeal), and to enforce the processes of the Collector, takes up a considerable part of his time, exclusive of the general correspondence he has to maintain with Government, the different Courts and offices of Government, and his duty as a Magistrate, which has hitherto been exceedingly laborious, so much so, that the three Circuits which have occurred since my arrival have none of them been completed under six and seven weeks, although every means possible have been used both by the Judges of those Courts and myself to expedite them. The above is the reason which appears to me to have prevented the suits in Court being brought up to such a state as I think it will probably be in the course of another year or two. I am unaware of any other reason which has prevented the Commissioners from bringing up entirely the suits filed before them, than the immense number which have been instituted, but which I think I have in some degree checked, as the number of suits filed before them this year to the end of September, which may be said to be the end of October, as no suits were instituted in that month, in consequence of the Dussarah, only amounted to 3,572, which in nine months is but a little more than one-third of the number filed in 1800, so that in future I hope they will be able to decide all suits that may come before them immediately.

Answer to Interrogatory 5.—I cannot say that I am prepared to suggest any Rules, the establishment of which would expedite the decision of civil suits, nor does is at present occur to me that any are requisite. The delay which occurs before the award is passed, is occasioned by the enormous number of vouchers delivered by the parties, and the number, and the difficulty of procuring the attendance, of witnesses, whose depositions, when taken, are frequently of little or no consequence to the subject at issue, but it serves to enhance the emoluments of the gomastahs, (or attornies, as they now style themselves) by procrastinating the final decision on the suit, as all suits, tried and decided in the first instance by the Judge, under Regulation IV. of 1793, are appealable to the provincial Court of Appeal. The not committing to writing the few depositions of witnesses he has to examine in suits appealed to him from the decisions passed by the Commissioners and the Register, would expedite but in a very trifling manner the decision of suits in general, and would in no degree compensate for the advantage and regularity of having them as records of the Court.

Answer to Interrogatory 6.—The number of suits which have been instituted in the last four years before the munsiffs, as appears by the statement contained in answer to Interrogatory 2, has been occasioned by the predecessors allowing the munsiffs to receive suits of whatever nature, not above fifty rupees, however strained, that could possibly be denominated personal property; the consequence has been that a very large number of suits have been instituted before them for slaves and hoormut, and the mode in which the munsiffs decided them had not only proved an extreme hardship on several individuals in the former, but also in the latter case, and had excited the meanest individuals, for the most trivial cause possible, to institute suits in hopes of damages, which they but too frequently obtained, to the often total ruin of the individuals against whom they were passed, who, through poverty or other cause, were prevented from appealing. In order to prevent this, with the knowledge of the Sudder Dewanny Adawlut, who left it optional with me, I directed they should not receive or try any suits of the kind at the commencement of the present year, excepting what was referred to them by me, agreeably to Regulation XL. of 1793; the good effects of which, I think, will generally be felt, as the number of suits before them this year will not probably exceed one half they were last: the suits for revenue, balance of accounts, and others really personal property, will at least for a considerable time to come, not above fifty rupees, be as many as they can properly investigate and decide; I cannot, therefore, by any means recommend their jurisdiction to be extended. In regard to the Register, the number of suits he has at present before him are more than he can with expedition decide; particularly as, when the duties in the criminal Court will admit, which has latterly occurred sometimes, it is with great difficulty that I can contrive to allow of his sitting to decide the suits before him while

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Answers by the JUDGES.

Dacca Division.

Zillah Mymensing, 29 January 1802.

I am sitting in the Dewanny, in consequence of the same vakeels being frequently engaged in the different suits depending before us both: an extension, therefore, of his jurisdiction would not tend, on the whole, to promote the object of Government in accelerating the decision of suits in general.

Answer to Interrogatory 7.—Litigation has certainly been checked by the establishment of the different fees mentioned in this Interrogatory; but at the same time they have occasioned, there being no defined rule of punishing the parties in consequence of the comparatively small expense, several complaints of dispossession by force and violence to be filed under Regulation XLIX. of 1793, in the hopes of obtaining a judgment in their favour, which, on investigation, prove entirely the reverse, and that no force or violence has occurred, but that the point at issue rests on an investigation into the respective rights of the parties. From the number of unnecessary evidences and witnesses filed and summoned by the parties, I cannot think the fees are by any means too high, particularly as those who really do not possess property are admitted at all times as paupers, and there can be but very few cases indeed in which persons, who do not come under the exact description of paupers, are not able, if they chuse, to pay them; at the same time I could not at present venture to recommend their being increased; for although that might be, in some respects, an advantage in regard to unnecessary evidence and witnesses, it might tend to prevent those who have now the power of paying them for complaining for their just rights, and would likewise exclude the lower order of the defendants from procuring security to be at large during the period the suits may be pending.

Answer to Interrogatory 8.—The emolument derived by the vakeels from the fees is, I believe, sufficient maintenance to all, and to those who are more generally engaged in the various suits an handsome income, it amounting, on an average, from 200 to 300 rupees per month, I am given to understand, which certainly may be considered as a sufficient inducement for men of character and proper qualifications to apply for them. The number of vakeels altogether belonging to my Court are only eleven; they were appointed on the publication of the Regulations of 1793; among whom there are three or four very respectable persons, and toleraby well qualified for their situations; for the remainder I am sorry I cannot say so much, although I am unacquainted with any thing against their private or public character; they are in general acquainted with the Regulations, at least with particular parts of them.

Answer to Interrogatory 9.—Judging from the suits which come before me, I do not think the establishment of licensed vakeels has contributed to bring forward more immediately the merits of the cause; but this does not proceed so much from the ignorance or neglect of the vakeels as from the parties themselves, or their gomastahs, or their attornies; for in most suits the parties file their plaint and answer themselves, and if they are filed by a vakeel, they are not drawn out by them, but a vekalatnumah is given them, merely to authorize their filing or presenting them, and when the suit comes to an investigation, the vakeels have never the vouchers lodged with them, or are ever acquainted with the evidence intended to be produced, or in the least with the merits of the case, but on every question being asked, are forced to refer to the attorney, who in general is near for the purpose; whether this proceeds from a distrust in the parties towards the vakeels, or from the intrigues of the attornies, or from both, I cannot possibly assert; the vakeels say it is from the former, but I am rather inclined to imagine it is from the latter, as were the parties to trust the particular vouchers, &c. of their suits to the vakeels, there would be no necessity for the attornies, who consequently, through selfish motives, endeavour to render the vakeels as much cyphers as possible.

Answer to Interrogatory 10.—Not having heard of any impropriety of conduct against the vakeels, excepting in one trifling instance, or any charge brought against any of them, it is but justice to them to say that I believe, as far as their clients trust them, they act with propriety.

Answer to Interrogatory 11.—Excepting Mahomed Ghose, the zemindar of Curreky, and two or three others, I scarcely imagine there is one man of property that is acquainted with his own concerns, much less with the Regulations, Shaster or Mahomedan law; their education is entrusted to the lowest race of people, and their property to persons denominated mocktears, who find it to their advantage to keep them in total ignorance, and to excite disputes and quarrels; in short, the zemindars in general appear to me completely unacquainted with every thing, except the customary forms of address, and without the aid of the persons who attend, are scarcely able to converse on the topics that are to be imagined they must have a competent knowledge: there are, however, a number of pundits who are not to be considered as wealthy, at the same time above poverty, who, I understand, are educated in the Shaster, and are to be found almost in every village, to whom references are frequently made by individuals for information on questions relating to the Hindoo law; and it is from these people the parties in suits are supplied with the putteeahs, or expositions of the Hindoo law, which they so frequently present in different causes in the Courts.

Answer to Interrogatory 12.—The delay in the trial of civil suits, does not appear to be occasioned in the forms prescribed by the Regulations, but through the want of activity and knowledge in the parties really engaged, who are themselves totally ignorant of the merits of the cause at issue, and the disinclination of their managers, through private interested motives,

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Zillah Mymensing, 9th January 1802.

tives, to have most of their suits brought to a final decision. The present forms appear to me necessary for the trial of suits in general, and in the course of time, I think, by an adherence to them, justice will be better administered than by curtailing them.

Answer to Interrogatoy 13.—In consequence of the necessity of having the large room in the house taken by the Company for the Court of Circuit, on their arrival at this station, I have erected a large bungalore packa at bottom for myself and the Register, of ninety feet long by forty broad, in the centre of which I have railed round two oblong squares of thirty feet by twenty feet each, in the centre of one of which I seat myself on the platform about three feet high, on which is the table at which the requisite officers stand and sit, according to their situation; and in the other the Register sits at the same time on a similar platform, and attended by his requisite officers, and at each end there is room, one for the Mohirrers of the Dewanny, the other for the Fouzdarry; and for all persons who may come, there is an enclosed veranda, one in front, the other behind, of seventy feet in length each, and upwards of ten in breadth; for the vakeels whose business may not be actually on investigation, or whose immediate presence are not required, I have erected another bungalow containing two rooms, one of which is appropriated for them, the other for witnesses. The forms adopted by me in opening and sitting in the Court, are at ten at this season of the year, but earlier in the hot weather; the nazir reports to me that the aumlah and vakeels are assembled in the Court, to which I immediately repair, attended by the nazir and a suitable number of peons, and on my arrival every person rises, the aumlah at the table, and the vakeels in front, and after they have paid their obeisance and I sit down, the parties whose suit comes first to a hearing are called, the rest of the vakeels then retire and pay the same respect to the Register, as none are allowed to make any noise. All who have any applications to make, hold their petition in their hands, and an officer, on receiving an order from me for that purpose, collects them in my presence, and brings them to me, when, should time and other business admit, they are immediately read, and the requisite orders passed. Should it so happen, which is frequently the case, that through there immense numbers, or their references to other papers, that they cannot be all read till it is dark, those that remain are postponed unavoidably to the next day, when they come first to a hearing. In the Fouzdarry I adopt a similar plan in regard to receiving petitions, &c. but as the circumstance of the same vakeels being frequently engaged in suits before myself, and also those referred for investigation before the Register, will not admit of us both scarcely ever sitting in the Dewanny at the same time, I have deemed it proper, excepting in particular cases, to sit two days myself in a week in the Fouzdarry for the hearing of all cases of a serious nature, and to direct the Register to sit four for the decision of trivial ones; the same *vice versa* in the Dewanny, myself four days, and the Register two; by which means, I am happy to say, although my calendars for the Court of Circuit have been and will be the next Circuit very heavy, I have at this time only one person in confinement, without a specific and defined order, and he has been so only four days, in consequence of the non arrival of the witnesses to substantiate the charge of a most atrocious murder against him.

Answer to Interrogatory 14.—I cannot hear of any seminary whatever or institution of the kind within the limits of my jurisdiction for the teaching of the Mahomedan law; there are some, I understand, not far from the borders, within the District of Sylhet. For the education of the Hindoo law, there are two or three in each pergunnah, but more I am informed in that of Serrial than any other, the pundits to which have received grants of free land from the zemindars, from which they maintain themselves, and find provisions for the scholars, who in general, excepting in a very few instances, never exceed 10 or 12, and for or from whom they receive nothing in return, deeming it a disgrace were they to do so.

Answer to Interrogatory 15.—I arrived in this district in May 1800; what the moral character of the inhabitants was antecedent to the present system for the administration of the laws, I must of course be considerably in the dark, and unable to state correctly whether it is improved or otherwise; and the opportunities I have of observing it being from the business which comes before me, are probably the most unfavourable; judging however from that, I am almost doubtful whether they possess any qualities that entitle them to an opinion of their being guided by any moral rule whatever. Some of the Hindoos are tolerably rigid in the execution of the external forms prescribed by their religion, but this, excepting with Rajah Raje Sing, and one or two others, is merely ostentation. The zemindars in general are merely cyphers, and their agents and managers are men not of the best characters, but appear to be prized by their ability in committing acts of chicanery towards their masters or the ryots of their zemindarry. The lower sort are extremely ignorant, but seem to be actuated by the same principles as the managers, as far as their abilities will admit, and in their disputes with each other extremely violent, so as not unfrequently, for the most trivial cause, to commit manslaughter, or other enormity.

Answer to Interrogatory 16.—It is at all times difficult to ascertain the real opinions of individuals, and probably more particularly in situations wherein the Judge of a District is placed, who has no opportunity of knowing that of the natives but in his public capacity, as he sees them no where else but in his Court, excepting in the formal visits paid to him from the zemindars, who, as I have before stated, are extremely ignorant; judging however from the innumerable complaints made of every description, I think the inhabitants conceive, by the present establishments for the administration of justice, that their rights are preserved from infringement, either by individuals, the executive officers of Government, or Govern-

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ment itself, at the same time that many of their complaints are instituted not with an intent to obtain redress, as many require none; but with a view of harrassing and distressing their opponent in order to answer some private purpose totally irrelevant or nearly so, and which only appears on minute investigation.

Answer to Interrogatory 17.—From the best information I have been enabled to collect, I have every reason to think that the district in general is in a state of improvement, that its cultivation and inland commerce has considerably, and is daily increasing; its buildings or other works for religious, domestic, or other purposes, are increased in numbers, and are improved in the manner and style of building; one considerable branch of the commerce of the district being in muslins and fine cloths, has of course felt the effect of the war in Europe as well as other places. I am necessitated to ground this opinion, however, from information collected from different individuals in conversation, as my own personal observations, in consequence of not having had an opportunity to quit this station since my arrival, only extends a few miles around, which in cultivation or population is by no means deficient, but rather abundant, although ten years since it was a complete waste, and a haunt for dekoits, who infested the whole of this river the Bherhampooter, for upwards of 100 miles from Bhermy to Gwalpareh, and now there is nothing of the kind occurs.

Answer to Interrogatory 18.—As far as my observations, drawn from the usual conversations I have at all times held with some of the most intelligent of the inhabitants, and who may probably reflect on the present situation of the people at large to what it formerly was previous and some time since the British Government has been established, I conceive that they, as well as the general mass of the inhabitants, are satisfied with Government.

Answer to Interrogatory 19.—Having in most instances of a serious nature which have occurred since my arrival, and the perpetrators thereof have been inhabitants of this district, been successful in procuring the apprehension of them, either sooner or later; I think, therefore the present system of police is well calculated for the apprehension of offenders in general; decoity has not lately occurred, and when it has, has been done in most instances by inhabitants of surrounding districts, where I have understood it to be the same; and that inhabitants go from hence to plunder as far as Jessore, Burdwan, and Beerboom, which it appears to me the present system is as capable, if the darogahs do their duty, of checking, as probably any other system may be that can be devised.

Answer to Interrogatory 20.—The number of tannahs in this district is 12, and the limits of each in tract of country, exceed what is prescribed by the Regulations, notwithstanding which, with attention on the part of the Magistrate to the darogahs, the latter are competent to perform the general duties required of them. Occasions may and have occurred since my arrival here, wherein I have found them incapable of it, and have consequently assisted them from hence, or have directed the zemindars to do it, but these are extraordinary cases, and which I think will but seldom occur again.

Answer to Interrogatory 21.—On a reference to the different calendars from 1793, presented to the Courts of Circuit previous to my taking charge in May 1800, taking one year with another, they are nearly equal, but from January 1801, to the present period, the number falls short of last year, including the two circuits of both years, about eighteen; but this is scarcely a fair mode of judging, as crimes may be committed and the offenders not apprehended, consequently no cause appears on the calendar; but allowing that a similar number escaped in the preceding years, as have done this, (only two instances of the nature do I recollect this) the diminution is considerable, and may in some degree I think be attributed to the darogahs having in every instance been required to use their utmost endeavours to apprehend the perpetrators of any act of enormity, and never to lose sight of them should they abscond in the first instance, by which means I have apprehended every dekoit of note who were in the district on my arrival, some of whom are confined, and some hung; another of my guard-boats going one up, the other down the river of a night, with four sebundeys in each for four coss, and keeping men to patrole the bazar here, which used to be a scene of riot and robbery, but for this last year there has scarcely been more than three petty thefts, and no other offence whatever, which for a bazar so large as this, I suppose to be as few as have happened in any place in the country. In regard to dekoity, another cause may be assigned, which proceeds from the more general division of wealth than formerly, in consequence of the present system for collecting the revenues, which prevents any great transfers of specie from one place to another, so that the dekoits do not find it scarcely worth their while to pursue their former practices.

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Answer to Interrogatory 22.—Among a people who appear almost prone to every vice, excepting that of drunkenness, which prevails amongst the very lowest order, and that only in a slight degree, I find it difficult to define what crimes are most prevalent, as they are adepts in all; and perpetrate that at each time which appears to them to be most likely to answer the object in view; but to select I think perjury, robbery, decoiety, and affrays respecting lands and crops, exceed the rest; the first occurs throughout the year, the second more generally in the rains, but sometimes in dark nights throughout the year during the rains, but more so at this season accompanied with the fourth; this being the period for cutting and collecting the largest harvest. The first I shall enter upon in my Answer to Interrogatory 36, the second and the third are of that nature, that some occurrences of the kind must, I think, unavoidably occur; although by an active and unremitting search after the perpetrators by the police officers and the Magistrate, they will I trust be considerably lessened;

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and I am happy to say this year are so, in comparison with any former year. The latter affrays are in all instances headed, or occasioned by the agents or subordinate officers appointed to superintend mahauls by the naibs and peshkars of the zemindars and talookdars, in which they sometimes proceed to such lengths as to use fire-arms; the persons mentioned in my Answer to Interrogatory 13, is charged with this, with several others, in which one man was killed, and another the ball passed through his thigh, the body of the former with the latter (who the surgeon has informed me is in a fair way of recovery) were both brought to me, although the affray happened nearly 30 miles from hence, so that there can be no doubt of the fact, whatever may be at an end of the prosecution against him and the others, some of whom I have now accounts of being apprehended, and the remainder I hope will be in a few days. For the punishment of these enormities, Regulation XLIX. of 1793 was passed: the penalties therein annexed are sufficiently severe when the fact is proved against the aiders, contrivers, or abettors, but the proof required to substantiate guilt against the zemindar or his naibs or peskars, is of that nature, as they never appear as actors in these crimes; that it amounts to almost an impossibility of proving any thing against them so as to render them liable to punishment, although it is equally as evident that the managers of the mahauls in the mofussil would never be guilty of them, without the concurrence or if they had positive orders from their superiors not to do so: as a check to this evil, I would recommend that the zemindar and talookdar, with their naibs and peshkars, on the fact being proved, and that the perpetrators thereof, were their servants, or in any shape their dependants, that the zemindar, talookdar, naib and peshkar, be all subject to a heavy fine to Government, in proportion to their ability to pay, at the discretion of the Courts by whom the final orders or futwa are passed or issued: this I am convinced would entirely prevent, after one or two had been punished, an evil of the kind occurring. There is also another crime extremely prevalent, that of instituting a complaint, not unfrequently for murder or some other capital offence, without the least grounds, solely with the view of procuring the apprehension of individuals from their occupations in the mofussil, and their confinement pro tempore, in order to satisfy some private motive, under the plea of the absence of the witnesses to substantiate the charge: for this offence, I am unaware the Regulations provide. Section 10 of Regulation IX. of 1793, which is again repeated in section 12 of Regulation VII. of 1799, goes to the punishment only of litigious suits in cases wherein the Magistrate is authorized to punish when the charge is proved; but not to the punishment of litigious prosecutions, wherein the crime alleged is of a capital nature; and consequently the punishment rests with the Court of Circuit; nor does the penalty the Magistrate is able to inflict appear to me to be sufficient to the offence, for in consequence of delays proceeding intentional on the part of the plaintiff or his instigators, an innocent individual may unavoidably be confined for two or three months; when the plaintiff, who is guilty of gross perjury in the first instance, be confined only one month in return; with this opinion, in one or two instances which have occurred since my arrival, I have acquitted the defendant, and directed the vakeel of Government to prosecute the plaintiff before the Court of Circuit, where they have met with their merited deserts; and only mention it here, as it appears to me the Regulations do not mark the line of conduct to be adopted by the Magistrates in such cases.

It may not be altogether improper here to mention, although I can suggest no remedy further than what is provided in the Regulations, an observation which I have made since my arrival here, and which may in some degree show the violence and jealousy of the lower orders of the inhabitants:—In almost all cases of actual murder which have come before me, not committed by decoits in villages, they have been occasioned by disputes originating respecting the office or duty of putwarry, who are generally in the first instance elected by the ryots and approved by the proprietor of the soil, and some time inherit the office; they exercise a most despotic and tyrannical authority over the ryots, who in some instances elect another, should they disapprove of the one holding the office, and the proprietor in general approves of the person newly elected; but when this happens, either the new or the old putwarry is not unfrequently destroyed: four instances of this have occurred since my arrival, and a fifth, the putwarries murdered a ryot, which was transmitted to the Sudder Nizamut; the ostensible cause of that murder was, the deceased becoming security, and thereby releasing some attached cattle belonging to a ryot, to pay the revenue the next morning, but the origin of the grudge which the putwarries bore the ryot, was occasioned about two years before, by his obtaining the permission of the zemindar to pay his revenue direct into the Sudder Pergunnah treasury, which rendered him independent of the putwarries, who never forgave it, but availed themselves of the opportunity of the deceased becoming security, which they considered as a defiance to their authority, to gratify their revenge, which they did by breaking the arm of one woman, severely wounding in the head another, both belonging to the family of the deceased, and murdering him; all of whom were nearly related to them.

Answer to Interrogatory 23.—Most of the inhabitants have some weapons, such as swords and spears, which they keep for defence, but seldom use them, the cudgel, or hard bamboo, being in general what they settle their disputes with, excepting in some cases when they get their antagonist down, when they beat him most unmercifully with the elbow, without consideration of the part or consequences; several of them have also other weapons which they use either offensively or defensively, but they are kept ostensibly for sacrificing animals, such as young male buffaloes, goats, pigeons, &c. on the banks of the river, particularly on the 8th of Cheyt at Byeonbarry, when some hundreds of the two latter are destroyed by the Brahmins, to the no small entertainment of the lowest order of the inhabitants, who feast on the bodies.

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Answer to Interrogatory 24.—There are no forts of any description in the district, that I have been able in all my enquiries to hear of.

Answer to Interrogatory 25.—The number of Hindoos or Mahomedans I believe may be calculated at about five to three in favour of the former, but this is drawn greatly from conjecture, formed from the attendants of every description who come to the cutcherry. The information to be obtained from the natives, respecting the number of the inhabitants, is so vague, that I have found myself totally unable to form an opinion from it, I have therefore drawn out the following table from accounts in the collector's and my own office, and which I think may be considered tolerably correct, particularly as the number of ryots is nearly the same in that, as by calculating by what I have observed from the putwarries accounts taken before me, that the revenue collected from ryots possessing 200 houses, exclusive of the mofussil collections, is about 500 Rs. per annum, at which calculation, as this district pays about seven lacks fifty thousand rupees per annum to Government, allowing five persons in each house, including men, women, and children, make the number of souls about lack, exclusive of the zemindars and others included in the following table, which make the number in the whole 1,928,531.

The number of possessors of lackrage lands amount to - - - -	8,600	
Those who pay their revenue to the collector or to his teshseeldars -	4,777	
Dependant talookdars, as per quinquennial Register, who pay their revenue to the zemindars - - - - - - - - -	1,084	
	14,461	
As the families and dependants of the above are in many cases very numerous, they may be fairly multiplied by 10 to include their women, &c. - - - - - - - - - - - - -	10	
		144,610
The number of putwarries, as per list delivered into the Court, amount to 9,563. Some of these keep the accounts of four and five hundred ryots, and downwards as low as 15 and 20, but the average I believe to be from 70 to 80 ryots to each putwarry; but as there are generally two putwarries to the same ryots, one to keep the accounts for house-rent and bete-land, or that which immediately surround the houses; the other for the cultivated lands at a distance, not included within the fences around the habitations; it will be I believe tolerably correct to allow to each putwarry about thirty-five ryots. Upon this calculation 9,563 putwarries keep the account of 334,705 ryots: these multiplied by five, to include the men, women and children, amount to - - - - - -		16,73,525
The number of putwarries, as stated above - - - - - -	9,563	
From these deduct small talookdars, who act as putwarries themselves, as stated in the accounts, but who being holders or proprietors of land, are included in the first set with the zemindars, &c. - - - -	935	
Balance - -	8,628	
The number of putwarries multiplied by seven, to include the whole of their families - - - - - - - - - - - - -	7	
		60,396
Barkandosses in the employ of the zemindars, and not intended to be included in their families, faquirers, mullahs of certain descriptions, and other persons who are not included in the putwarries accounts, and many of whom are not natives of the district, but who at present reside within it, but respecting whom I can obtain no account to form a calculation - - - - - - -		50,000
		19,28,531

In making the above calculation, I have stated every description of persons as low as it appears to me I could with any degree of correctness, yet the product is so immense, that I am myself astonished at it, but am unacquainted with any other mode of computing the inhabitants that is more likely to be correct.

Answer to Interrogatory 26.—The names of the persons possessing the highest rank and largest landed property, are as follows:

Rajah Raje Sing, zemindar of 14 annas of Pergunnah Susung, alias Nusserutshye; Bohinduarain, nominally proprietor of only six annas 15 gundas of Pergunnah Pokariah, but really of the whole; resides in the district of Rajeshye.

Mahomed Ghose, zemindar of Curreky; Sam Chund, Chowdry, zemindar of four annas of Pergunnah Momensing; and Zynshye Narainny, Debea of a similar share in each of those pergunnahs.

Pertaubnarain, Chowdry, zemindar of four annas and a half of Pergunnah Sheerpore.

Birgenaut, Gobind Persaut, and Ramanauf, Chowdries of seven annas of Pergunnah Sheerpore.

Raje Chunder, Chowdry, proprietor of four and a half of Pergunnah Sheerpore.

Gunga Debea, Bemilla Debea.—Proprietors of eight annas of Pergunnah Alepsing.

Hirenaut, Kishen Count.—Proprietors of four annas of Alepsing.

Ram Acharge, Sam Acharge, Birje Kissore Acharge, Nob Kissore Acharge.—Proprietors of four annas of Alepsing, and five annas of Pergunnah Nusserogoale.

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Cojah Arratoon, an Armenian, zemindar of Pergunnah Hesseinshye; resides generally at Dacca.

The above are the zemindars of the most note, and possessing the greatest property in the district; there are some few others who have considerable landed estates, but have no consequence in the district: of the above, Bobindnarrain and Cojah Aratoon are undoubtedly the most wealthy, but they do not reside within the district; and excepting Rajah Raje Sing, Cojah Aratoon, and Mahomed Ghose, they are all engaged in family disputes, or in disputes with their under-talookdars and renters: they almost all, more particularly Ram Acharge, and the other three connected with him, as do the other landholders whom I have not mentioned, keep a considerable number of Burkandosses, natives of Bahar, Benares and Oude, whose numbers are computed at about 70 or 80, in their service, under the plea of guarding their treasuries; when abroad, I have never seen any of them attended with more than five or six, or ten at most; and excepting the two I have mentioned as wealthy, and the zemindars of Alepsing and Cureky, and Narrainny Debea, the others, although possessing large tracts of cultivated and populous land, are really in needy circumstances through their family disputes and mismanagement of their naibs or gomastahs. Rajah Raje Sing resides close to the Susung Hills; he has not since my arrival been at this place, I have consequently not seen him; he trades, I understand, considerably in many articles, but particularly in elephants; he is represented not to be a man of ability, or in possession of wealth; he manages his concerns in a very orderly and proper manner, and the inhabitants in general speak of him in the highest terms.

Answer to Interrogatory 27.—There are no persons that the slightest hint has ever been given to me, as being supposed disaffected to the British Government, or is there one that I have the least suspicion of being likely to have turned a thought towards it; and I am well aware there are none, if they are really disaffected, that have either ability, influence, or wealth, at present, to be of any consequence.

Answer to Interrogatory 28.—The natives in general being pleased with every mark of distinction, I should think those for whom titles may be conferred would be qualified; but whether Government declaring itself to be the sole source of honour within its territories, might tend to strengthen the attachment of the natives in general towards the British, is a question that I am really at a loss to answer; and speaking of the natives in this district, who I suppose are as little accustomed to the manner of Europeans as any in the Company's provinces, in consequence of the short period of any gentleman residing within it, in comparison with others, I really do not think there is one, unless it be Rajah Raje Sing, who I have not yet seen, from the propriety of his conduct, or Mahomed Ghose, zemindar of Curreky, who merit the least favour or mark of honour from Government.

Answer to Interrogatory 29.—There are no roads, bridges, or other public works within the district, excepting those which I have made since my arrival; the roads are about five miles in length, and the pucka arches are in number ten, which I have made with the prisoners.

Answer to Interrogatory 30.—The convicts since my arrival have been employed in making the above roads and arches, in making and burning the bricks, burning the shells for chunam, and preparing the soorky and sand for the jail, in the erection of which they worked also as coolies; since that has been finished they have repaired and risen the whole of the above road, which had sunk and had been injured by the rains; they have made and slacked fit for burning the whole of the bricks intended for the hospital, besides having prepared the whole of the chunam; but as this last work has not employed them, all the weak and old, and those whom I am necessitated to put irons on their wrists, have been engaged in cutting the grass for thatching the hospital. I am unaware that the prisoners could have been employed to more advantage than they have, as above stated, but in future when the hospital is finished, and the roads made to extend between three and four miles to the east and west of this station, which will probably be effected by the next rains, I shall be at a loss how to engage them, as unless moveable places of confinement are made, it will not be possible to continue the road on either side, as they cannot walk out in the morning and back at night beyond that distance; judging from the expense of feeding the prisoners at this station, I imagine the monthly amount of the whole within the Dacca Circuit does not amount to less than three thousand rupees per month, exclusive of guards and jails at the different stations, which might probably be considerably saved, were the whole of the prisoners of each circuit collected into one spot and made to cultivate the whole of such land within two miles of the place of confinement, which should be centrical: the product of such a spot would considerably, I conceive, exceed what they could consume with proper management, which would save the present cost of their keep, and also supply the Company's golahs considerably with that sort of rice which the lower sort of natives live on.

Answer to Interrogatory 31.—The jail was finished in June last, and for a choppah jail, is in as good a state as it can be.

Answer to Interrogatory 32.—The zemindars and other people of property, trusting their private concers to individuals, it is scarcely to be expected that they would attend to public complaints themselves: were they entrusted with the office of Justice of Peace in the most limited manner, the duties would consequently be performed by their naibs or peshkars, who instead

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instead of endeavouring to suppress crimes in general, or to be of service to the inhabitants at large, would, I am fearful, turn the authority to a source of private emolument to themselves, oppression and extortion on the lowest orders of people, if not increase crimes in general by harbouring and employing persons to plunder beyond the limits of their masters jurisdiction. In giving so decided opinion against a system which has so long been adopted in Europe, and attended with such success, I am guided by what I observe of the conduct of the zemindars in general, and the total want of principle in their managers, the ill use the police officers make of their authority, were they not rigidly looked after by the magistrate, and the extreme improper manner in which the Commissioners in general in their capacity of munsiffs would use the civil authority they now possess of receiving and deciding suits under fifty rupees; what I conceive to be the characters of the zemindars in general, and their managers, I have mentioned in other paragraphs; and I am convinced from the experience I have had in this district that were the zemindars or their naibs inclined, scarcely a dekoit could exist or reside for any time within it. The derogahs are not unfrequently guilty of intrigues with the landholders in whose estates their tannahs are established, but also in some cases of extreme improper conduct to the injury of either the prosecutor or the defendants, and the munsiffs, I have strong grounds to suspect, through the immense numbers of suits filed before them, and the nature of many of them for which application have been made to me to enforce, that they would excite litigation in order to derive emoluments from the institution of fees.

Answer to Interrogatory 33.—I am unaware, at present, of any rules that I would recommend to be adopted for the suppression of crimes, further than what I have stated respecting affrays, the Regulations appearing to me to provide for most cases, at least such as hitherto have come before me.

Answer to Interrogatory 34.—The natives of this district, excepting towards the hills, where they make an intoxicating liquor from coarse rice, are very little addicted to the vice of drunkenness, in so much as the operation of the late Regulation respecting it is not perceivable.

Answer to Interrogatory 35.—Unless the system of education of children is totally changed I do not think that any measures can be adopted that will tend to the improvement of the moral character of the natives; this I conceive they will in the course of time effect themselves, as they become better acquainted with their own rights, and the wisdom and mildness of the British Government, and the advantages of a liberal and good education.

Answer to Interrogatory 36.—The witnesses who give their evidence in Court are in almost all cases tutored; they are summoned at the desire of one of the parties, who probably purchase them; they swear to certain facts, which, from the nature of the case, appear nearly impossible; and although it may be evident to the Judge that the truth has not been asserted, it is, excepting in a very few instances, impossible to find the witnesses guilty of perjury in the eye of the law; the Regulation appears to me therefore to have scarcely had any effect. The persons who give their evidence are generally the most indigent, and dependants of the party who have occasioned their attendance, and have probably been forced to assert what they really know nothing about; the punishment therefore prescribed in the Regulation can have but little if any effect, as to disgrace; as it is inflicted on those whose rank in life seldom partake of so nice a feeling as shame, and the rich and wealthy, who have occasioned the crime and subsequent punishment, go untouched. In the Criminal Court the Plaintiff swears to his charge, and the Defendant of course is apprehended and brought before the Magistrate; if the suit is litigious, the Regulations for certain cases point out the punishment, which for those cases is sufficient, did it fall on those who merit it; but the Plaintiff is frequently a poor and needy individual, forced to make the complaint by others, who scarcely appear if the case is tried; the Plaintiff cares not for confinement for fifteen or thirty days, is unable to pay the fine, while the concerns of the Defendant or Defendants have been materially injured by being prevented from carrying them on. As this is in some instances of serious evil to the Defendants, and does not appear to me to be likely to be checked, unless the party to whom the Plaintiff belongs is in some manner made responsible, I think it could not possibly be of any harm, as the Magistrate from the nature of complaints instituted must be considerably aware whether there is a probability of its being well founded or otherwise, if he had the authority, in all cases which he considered of this nature, to require malzanna for the amount of the fine he is enabled now to levy in cases which may prove litigious, from the Plaintiff, previous to issuing the warrant; this appears to me most likely to check the evil, by the persons who occasioned the complaint being forced to become themselves, or find, security for the Plaintiff; and the fine, should the suit be litigious, would either directly or ultimately be levied from them.

Answer to Interrogatory 37.—From the experience I have had in this part of the country, I believe that transportation has more effect than any other punishment whatever, the dekoits appear to dread it more than hanging, and dekoity has certainly decreased, which may in some degree be attributed to it.

Answer to Interrogatory 38.—The general disposition of the inhabitants appears to me almost prone to chicanery and fraud; they are extremely implacable, violent and irascible, which frequently, on the most trivial occasions, produces manslaughter, if not murder; such a disposition, I conceive, is only to be kept in subjection by fear of the law, and the certainty of receiving punishment in proportion to their crimes. I am therefore of opinion that the Mahomedan law, with the alterations made by Government, is not in any respect administered with too much severity; at the same time the present lenity with which it is distributed, it is to be hoped, will ultimately tend to general good, and meliorate the dis-

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position of the inhabitants at large, but this must be a work of considerable time before its operation will be visible; the punishment of the corah is really trifling, and the confinement, I believe, as they are fed at the expense of Government, they like; and were it not for the work they would sooner be in jail than out of it.

Answer to Interrogatory 39.—There are no Europeans in the district out of the service, excepting one Frenchman, who carries on a trifling trade, and is a very quiet well-behaved man.

Answer to Interrogatory 40.—As far as I have seen, the condition of the weavers and manufacturers is tolerably good; agreeably to the custom of the country, advances being always made to them for the provision of articles or goods, they can but seldom, and I have as yet met with none where a weaver or manufacturer has been the prosecutor, they have consequently the advantage, and in the few instances which can occur, the Regulations appear to me to be fully sufficient to ensure them justice; the hardship, if any, lies on the side of the Officers of Government, and the individual traders, to ensure the punctual performance of engagements entered into by the weavers and manufacturers; and this appears to me to be obviated by the Regulations as far as the unavoidable delay of prosecutions in general will with justice admit.

(Signed) *John Stracey*, Judge and Magistrate.

(A true Copy.) *John Stracey*, J. & M.

To His Excellency The Most noble the Marquis WELLESLEY, K. P. Governor General, &c. &c. &c.

My Lord,

I HAVE the honour to transmit for your Lordship's perusal, a copy of my Answers to the Interrogatories of Government regarding the internal state of the country, as directed by the Honourable the Vice President in Council.

I have the honour to be, my Lord,

Zillah Chittagong, 27th March 1802.

Your Lordship's most obedient, and most humble servant,

L. Molony, Judge and Magistrate.

INTERROGATORIES to the Zillah Judges and Magistrates, with the ANSWERS by the Judge and Magistrate of Chittagong.

INTERROGATORIES:—What is the number of causes now depending before you, before your Register, and before the native Commissioners?

ANSWER:—I. On the 29th of October 1801, (the date of the judicial Secretary's letter, which accompanied the Interrogatories of Government,) the number of causes depending before the Judge, including appeals from the Register and Commissioners, was - 1,094

Number depending before the Register, including appeals referred to him under the second section of the third regulation of 1800 - - - - - - - - 858

Numbers referred to and depending before Commissioners - - - - 2,050

Numbers referred to and depending before Commissioners appointed under the 40th regulation of 1793 - - - - - - - - - - - 84

Number depending before them in their capacity as Munsiffs - - - - 5,776

Total depending before the three Tribunals, on the 29th October 1801 - - 9,862

2. What proportion does the number of causes now depending before the three Tribunals of the Judge, the Register, and the Native Commissioners, bear to the number of causes usually depending during the several years commencing from the year 1793, to the present period?

2. The following statement will show, when compared with the above number of causes

depending on the 1st of January 1794 - - - - - - - - -	17,560
Number of causes depending on 1st January 1795 - - - - - - -	18,079
D° - - D° - - D° on 1st January 1796, including causes depending before Native Commissioners in their several capacities, as per their quarterly report	26,828
D° - - D° - - D° on 1st January 1797 - - - - - - -	25,617
D° - - D° - - D° 1st D° 1798 - - - - - -	19,929
D° - - D° - - D° 1st D° 1799 - - - - - -	10,204
D° - - D° - - D° 1st D° 1800 - - - - - -	5,860
D° - - D° - - D° 1st D° 1801 - - - - - -	7,709

No Commissioners were appointed in this district till 1795; immediately on their being appointed the number of causes multiplied, and the reason of so considerable a decrease appearing between the 1st of January 1798, and the 1st of January 1800, is attributable to a Purwarnah issued by the then Judge of the district, prohibiting the Commissioners acting as Munsiffs from receiving petitions whenever there were 300 causes undecided on their respective files. The Commissioners in consequence, always stated their balance of undecided causes as not exceeding 300; but I believe they seldom sent away a complainant who offered his fee, though the number of causes really depending before them might have ever so far exceeded that specified in the Purwannah. The increase which appears between 1st January 1800 and October 1801, is attributable to that Purwannah being considered as no longer in force.

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3. What number of causes was decided in the past year by you, by your Register, and by your native Commissioners?

3. In the year 1800, 1,128 causes were decided by the Judge, 548 by the Register, and 15,045 by the Commissioners.

4. What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the native Commissioners; and what is the reason that the number of causes depending before those tribunals, respectively is not reduced as low as you think it might be reduced?

4. I am of opinion that the same number of causes that are now, must always be depending before the several Tribunals of the Judge, Register, and native Commissioners, with such trifling variation as adventitious circumstances may occasion, unless some rules shall be established, calculated both to check litigation and expedite the decision of suits; and that the number of causes depending before those Tribunals respectively is not reduced as low as it might be, I attribute to the extreme spirit of litigation which pervades all classes of people in this District, to the number of landholders, and land being divided into such small portions, and to the necessity which the Judge is under of admitting as many witnesses as the parties in suits please to name.

5. Are you prepared to suggest the establishment of any rules which (consistently with a due administration of the law) would expedite the decision of suits—Are you of opinion that this object would be in any degree promoted by leaving it optional in the different Tribunals to commit the depositions of witnesses in causes not appealable to a higher tribunal to writing, or not, as the Judges might think proper?

5. I am of opinion that it would expedite the decision of Suits, were the Judge and Register empowered to object to more witnesses being summoned than appear to them necessary; and I think it more advisable that they should be vested with a discretional power in this respect, than that the number should be fixed and limited by a regulation of Government; because in the latter case parties will frequently, if not generally, summon witnesses to the extent of the Regulation, when no such necessity exists; and in some few causes, wherein many particulars are involved, the testimony of a greater number may be requisite than the Regulation may admit of. But I am far from recommending that this or any other discretional power should be vested in the native Commissioners; on the contrary, I am satisfied that it would be abused if it were, with respect to leaving it optional in the different Tribunals to commit to writing, or not, the depositions of witnesses in causes not appealable to a higher Tribunal. I think it highly advisable, inasmuch as it would tend to expedite the decision of suits, to allow this discretional power to the Judges and Registers; and I know of no objection to the measure, except that witnesses, knowing that their depositions were not to be recorded, might be even less scrupulous than they are in committing the crime of perjury; and the great responsibility which must necessarily attach to those Officers, and the dangers they would lie exposed to from complaints preferred against them under the present existing regulations of Government. They could then produce no written proceedings to exculpate themselves; and in a country were perjury is so general a crime that false witnesses are procurable at 4 annas each, their characters and prospects in life might be blasted without the possibility of refuting the calumny. I am of opinion that the discretional power alluded to here should not be vested in the native Commissioners at all events.

6. Are you of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding Sicca rupees—What is the amount to which you would recommend the jurisdiction of the Courts of the Commissioners, and of the Registers, should be extended, and to what degree would the general administration of justice in the district, subject to your jurisdiction, be expedited by the adoption of this arrangement?

6. I am of opinion that it would be advisable to extend the jurisdiction of the native Commissioners appointed under the 40th Regulation of 1793, to 100 rupees in suits for personal property, and to extend the jurisdiction of the Land Commissioner appointed under the 18th Regulation of 1797, to suits for landed property, the annual produce whereof, if Malguzary, shall not exceed 100 rupees, or if Lackeraji, 10 rupees per annum, all suits decided by them being still appealable; and I would recommend a different arrangement from the present for these tribunals, and have none but such as are or shall be established at the Suddur Station. The natives of this district are, in my opinion, both litigious and corrupt, and by the Commissioners Courts being held at a distance remote from the Judges, both these propensities have fuller operation; the litigious man finding litigation made easy, and a tribunal at his door, institutes a suit without any just ground, perhaps wholly unconnected with justice, and I believe he is frequently instigated to do so by means of the Commissioner before whom it is to be tried. I would recommend, that the jurisdiction of the Register be considerably extended; that causes for personal property, the amount or value of which shall not exceed 500 rupees, be made cognizable by him; and that his decisions in all suits of this nature, for sums not exceeding 200 rupees, be made final, whether referred to him for trial in the first instance by the Judge, or tried by him in appeal from decisions of native Commissioners. I would recommend that in all suits for landed property the annual produce of which, if Malguzary, shall not be above 500 rupees, or if Lakeraje, 50 per annum be made cognizable by the Register; that his decisions in suits for Malguzary land be made final, where the annual produce of such land shall not exceed 50 rupees

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rupees; and in suits for Lakeraje land, where the produce of the land shall not exceed five rupees per annum, the discretionary power now vested in the Judges by the 6th Section of the 8th Regulation of 1794, remaining still in force in all cases. It follows of course, that I conceive the Judge's jurisdiction should be extended as far as that of the Register; how much farther, it belongs to a higher tribunal to recommend; the general administration of justice, would, I think, be considerably expedited by these measures; and I do not conceive that the due administration of the laws would be endangered thereby, particularly as the junior part of the civil servants have now the great and important advantage of an education calculated to qualify them for the public duties to which they may be called. It may, perhaps, appear that I have recommended too great an extension of the register's power, in proposing that his decisions shall be made final in suits for landed property; but I think the adoption of this measure highly expedient as far as respects this particular district, though it should be made applicable to Chittagong alone, because the number of causes instituted in the Court for landed property, the annual produce of which exceeds not 50 rupees, is so many, that the power of appealing them considerably impedes the higher tribunals in their more important duties.

7. Has litigation been checked by the establishment of the fee paid to Government on the institution of suits—of the fees paid to the Vakeels—of the fees paid on exhibits,—in the Courts of Judicature—and of the Stamp Duties—Do you consider these several charges attending the institution of law suits to be too considerable, or otherwise?

7. Litigation has certainly been checked by the several fees alluded to in this interrogatory; and I think them neither too considerable, nor otherwise.

8. Do the fees paid to the licensed Vakeels on suits instituted or defended by them constitute a sufficient inducement to men of character, and of proper qualifications to undertake those situations—Are the Vakeels attached to your Court persons of the above-mentioned description; and are they, in general, well acquainted with the printed regulations?

8. The fees paid to the licensed Vakeels on suits instituted or defended by them in this Court, do not constitute a sufficient inducement to men of character, and proper qualifications, to undertake those situations; because the property sued for, in general, is small, the Vakeels attached to this Court are not men of the above-mentioned description, nor are they in general well acquainted with the printed regulations.

9. Has the establishment of licensed Vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court, the merits of the suits instituted?

9. The establishment of licensed Vakeels has contributed to expedite the decision of suits, by bringing them before the Court in a more regular manner; but I think it has tended to increase litigation, because they make their livelihood thereby.

10. Do the Vakeels in general discharge their duty to their clients with honour and fidelity?

10. I think they do all in their power to gain their clients cause, where the property sued for is considerable; but not in the smaller suits.

11. Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

11. I do not think the principal inhabitants of this district are as well acquainted as individuals in general can be supposed to be informed of the laws of the country.

12. Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits without endangering the due administration of the laws?

12. I would recommend that only a petition of plaint and answer be received in civil suits; that the replication and rejoinder at present delivered in be not admitted; and that the Judge and Register be empowered to object to the parties summoning a greater number of witnesses than from the nature of their respective allegations appear requisite.

13. Have you in your Court Room any place allotted for the bench of the Judge, for the public Officers, for the parties or their Vakeels, for the witnesses, and for all persons who attend your Court, and what forms or ceremonies do you observe in opening your Court, or sitting in it?

13. I have a raised platform for the Judge's bench, on which is also a seat for the Molair or Pundit; and one for the Darogah of the Adawlut; in front of this is a table, with benches on each side, on which the other public Officers sit, and in front of this table stand the parties, their Vakeels, and the witness under examination, all other persons are kept at some distance from the bench by a rail. I observe no forms or ceremonies in opening my Court beyond causing the Nazir to call out with an audible voice the names of the parties whose cause is first for trial.

14. Are there any private Schools or Seminaries in the district under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are those institutions maintained?

14. There is a Seminary in Islámabad, maintained by the heirs of Meerdhyan, agreeably to a sunnud which they hold; several young persons attend there for the benefit of instruction, but I fear few benefit by what they read or learn. Exclusive of this Seminary, many Mussulmans keep schoolmasters in their house, to teach the young part of their own and their neighbours families, to read and write.

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15. What is your opinion regarding the general moral character of the inhabitants of your district—Has the moral character of the inhabitants in general been improved, or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

15. Nothing can be worse, in my opinion, than the moral character of the inhabitants of this district; and I believe the inhabitants in general have become more depraved under the system established by the British Government. Instead of turning to fair advantage the laws and privileges enacted, and granted them by the English, their whole study has been, and is, how they shall avail themselves of these laws and privileges, either to exact more than they have a right to, or evade the payment of just dues, and to over-reach each other on every occasion.

16. Are you of opinion that the inhabitants in general of the district under your jurisdiction consider their rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

16. I am of opinion that the inhabitants consider their private rights and property secured against infringement, either by the executive officer of Government, or by individuals; but the many measurements of land which have been made in this district have, I believe, impressed them with an idea that they are not secure from infringement by the supreme executive authority.

17. Are you of opinion that the district under your jurisdiction is in a state of improvement, or otherwise, with respect to its population, cultivation, and commerce, and its buildings or other works, for religious, domestic, or other purposes; and on what grounds do you form your opinion?

17. I am of opinion that this district is in a state of improvement, with respect to its population, cultivation, and commerce. I am led to think the population greater than formerly, from a knowledge that many persons have of late years emigrated into and settled in this district from other parts of the Dacca province, and from the Arracan country. The appearance of the country tells me that cultivation improves; and the number of vessels built and building at this port makes me conclude that the exports are greater than formerly, and commerce in a state of improvement. The buildings and other works are very few.

18. Are you of opinion that the inhabitants of the district, subject to your jurisdiction, are in general satisfied with the British Government?

18. I am of opinion that the inhabitants of this district are in general satisfied with the British Government.

19. Is the present system of police well calculated to ensure the apprehension of Offenders?

19. I think the present system of Police as well calculated to ensure the apprehension of offenders as any other that can be substituted in its place, the nature and disposition of the inhabitants considered.

20. Are the Police Establishments in the district subject to your jurisdiction adequate to the duties required of them?

20. I do not think they are; and I am of opinion that there should be double the number of Jannahs that are.

21. Are you of opinion that the number of crimes committed annually in the district under your jurisdiction has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

21. I believe that the number of crimes committed annually has diminished of late years. A review of the several calendars, exhibiting the commitments made, enables me to form this opinion; and I attribute the diminution to the Police being wholly under the Magistrate.

22. What crimes of enormity are most prevalent in the district under your authority; what is the cause of the prevalence of such crimes; and what are the means you recommend to be adopted for their suppression?

22. Perjury is the most prevalent crime, and the support and maintenance of every other, and I would recommend the punishment of Transportation as the means of suppressing it.

23. Do the inhabitants in general of the district under your jurisdiction keep arms in their houses; what description of arms do they retain; and for what purposes are the arms retained?

23. The inhabitants in general of this district do not keep arms in their houses.

24. Are there any brick or mud forts in your district—In what state are the forts, and what is the nature of their construction?

24. There are not any brick or mud forts in this district, at least there are not any that in my opinion deserve that appellation.

25. What proportion do the Hindoo bear to the Mahomedan inhabitants, in the district subject to your authority; and what do you suppose to be the number of inhabitants of your district of all descriptions?

25. The Hindoo inhabitants bear a proportion to the Mahomedans as six to ten, and the inhabitants of all descriptions may be in number about twelve lacks.

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26. What are the names of the persons possessing the highest rank and the greatest opulence in the district subject to your jurisdiction; what number of followers armed, or otherwise, are they supposed to maintain in their service; and do they appear abroad with such followers armed?

26. There are not any persons of high rank or opulence in this district. The principal persons have a few dependants, but no armed followers whatever in their service.

27. Are there any persons in the district subject to your jurisdiction supposed to be disaffected to the British Government; what are their names, and to what means do you resort for superintending their conduct—Have these persons any influence in the division, and to what extent?

27. There is not at present any person in the district whom I suspect of being disaffected to the British Government. There was a man resident here some time ago, by name Pehla Ghaüzee, whom I suspected of being in the interest and pay of the Rajah of Arracan. In consequence of an affray which he got into at Ramoo, I required security from him in the sum of 500 Rupees, that he should not leave the town of Islamabad without my permission. He took opportunity when I was last in Calcutta to visit the frontier, contrary to this engagement; on my return I had him arrested, levied the amount of his recognizance, which he had forfeited, and put him under restraint again for fresh security. The envoys who lately arrived here from Arracan interceded in his behalf, without having been informed by any person belonging to me of the motives which influenced my conduct towards him; and I released him on his executing an engagement to evacuate the Province, and never return to it again. The envoys having interested themselves about him is some proof that I was not altogether mistaken in my conjectures respecting him.

28. Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

28. I think it would strengthen the attachment of the natives to the British Government, were that Government to declare itself to be the sole source of honour within its territories, and confer titles and other marks of distinction on its native subjects; but it appears to me to involve the important question, whether the English shall declare themselves the sovereigns of the country.

29. What is the state of the roads, bridges, and other public works in the district under your authority; and at whose expense are they kept in repair?

29. The road leading from Islamabad to the Tenny is the principal, and may be considered the only road in the district, the few roads immediately about the town of Islamabad excepted. The Bridges on this road are all broke down, and cannot be repaired without considerable expense; in other respects the road is remarkably good as far as Meerkaseerie. The bridges of this road have been once repaired at the expense of Government since the Decennial settlement; and no troops can pass to or from this district in the rains until they shall be again repaired.

30. How are the convicts in the district usually employed—and is there any manner of employing them which appears to you preferable to the manner in which they are at present employed?

30. The convicts are but few, and they are mostly employed in keeping in repair the roads about the Town of Islamabad; and I know of no other way in which they can be employed, as they must always return to the jail by evening.

31. What is the state of the jail in your zillah?

31. The jail of this zillah is made of mats and bamboos, and is very insecure and bad.

32. What is your opinion of the expediency of granting to Zemindars, Farmers, and other persons of character in your Zillah, Commissions empowering them to act as Justices of the Peace—Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of Offenders—By what rules would you regulate the extent of the jurisdiction of such persons; would you confine it to the estates, or farms of the persons to whom the Commissions might be granted, or otherwise.

32. Granting to Zemindars and Farmers, Commissions empowering them to act as Justices of the Peace, is no doubt, admirably well calculated in theory for the suppression of crimes, and to facilitate the apprehension of Offenders; and it would, I think, be attended in some measure with these good effects; but I am satisfied that it would be very much abused. The Zemindars would on every occasion hold up in terrorum this authority to extort money; and exercise such oppressions as would more than counterbalance the good resulting from such a measure.

33. Are there any new rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

33. I would recommend transportation as the punishment of perjury.

34. What has been the operation of the last regulation respecting the tax on spirituous liquors, with regard to the vice of drunkenness—Are you of opinion that the establishment of the taxes now levied on spirituous liquors have rendered the

vice

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vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

34. The last regulation respecting the tax on spirituous liquors has, I believe, had the desired operation in the cities, and in many zillahs; but in this district there never was much liquor manufactured, nor is the vice of drunkenness prevalent.

35. Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the district?

35. The rigorous measure recommended by me in my answer to the 33d interrogatory, severe as it may appear, is the only one that occurs to me, as calculated to regulate the moral conduct of the Natives of this district; and I believe ages must pass away before this or any other will be found effectual.

36. In your opinion, what has been the effect of the regulation which declares persons convicted of the crime of perjury liable to be marked in the forehead?

36. I am of opinion that it has had some, though but little, good effect.

37. What has been the operation of the punishment of transportation introduced by the British Government?

37. The punishment of transportation has had a very good effect; and I am not sure that the natives do not dread it as much as death.

38. Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or with too much severity—And what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

38. I am of opinion that the alterations of the Mahomedan law made by the British Government are highly calculated to ensure the administration of the original law, on principles of lenity and justice; and I believe that the operation of the spirit in which the law is administered is such as gives general satisfaction to the people we govern; but were it further modelled wherein it respects the crime of perjury, I think such alteration would be attended with beneficial consequences.

39. What is the nature of the general conduct of the Europeans not in the service of the Company, who reside within your jurisdiction?

39. They have conducted themselves heretofore, in general, with great propriety, and much to my satisfaction.

40. What is the general condition of the weavers and other manufacturers in your jurisdiction—Are the existing laws and regulations well calculated for ensuring justice to the weavers and manufacturers in their dealings with the officers of the Company, and with private European merchants; and also for enabling the Officers of the Company, and the individual European merchants, to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods?

40. The weavers and other manufacturers are poor; the existing laws are, in themselves, I think, well calculated for ensuring justice, and the punctual performance of reciprocal engagements between the manufacturers and their employers; but, in some districts, and particularly in this, the latter class suffer from the delays of the law.

L. Molony, Judge and Magistrate.

(Copy)—To GEORGE DOWDESWELL, Esq. Secretary to the Judicial Department, Fort William.

Sir,

I BEG leave to transmit my replies as required in your Letter of the 29th October last.

Called upon to answer Interrogatories so connected with the welfare of the inhabitants of these Provinces, and containing matter which embraces so large a field of inquiry, it is with real diffidence I proceed in the performance of this important duty; but, I hope my zeal to meet the wishes of Government, and the sincerity which guides my pen, will avail in excuse for my imperfections.

INTERROGATORIES;—I. What is the number of causes now depending before you, before your Register, and before the Native Commissioners?

ANSWER:—1. Before the Judge:

In appeal	199
Regular causes	181
Regulation 7th of 1799	451
- D° - 49th of 1793	124
Total	955

Before the Register:

In appeal	51
Regular causes	764
Total	815

Before the Native Commissioners:

Regular causes - Total	1,452

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2. What proportion does the number of causes now depending before the three Tribunals of the Judge, the Register, and the Native Commissioners, bear to the number of causes usually depending during the several years commencing from the years 1793 to the present period?

2. In answer to this article, I subjoin No. 1, Appendix, a statement of the causes standing upon file of each year, from 1793, the number decided, and the amount of those instituted in each year, observing that in the year 1797, the division of the Zelah took place, which separated Backergunge and its present dependencies from this jurisdiction.

3. What number of causes was decided in the past year by you, by your Register, and by your native Commissioners?

3. Decided by the Judge in the year 1801 - - - Total causes - - 258
Decided by the Register in the year 1801 - - - Total causes - - 683
Decided by the native Commissioners in the year 1801 Total causes - - 678

4. What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the Native Commissioners; and what is the reason that the number of causes depending before those Tribunals respectively is not reduced as low as you think it might be reduced?

4. To this interrogatory I cannot give a positive definite answer, but, from the average of the last three years, should suppose that the aggregate of causes pending annually before the three Tribunals cannot be less than 1,650.

The influx of summary causes under the 7th regulation of 1799, and 49th of 1793, must ever prevent the reduction alluded to.

5. Are you prepared to suggest the establishment of any rules which (consistently with a due administration of the laws) would expedite the decision of suits?—Are you of opinion that this object would be in any degree promoted by leaving it optional in the different Tribunals, to commit the depositions of witnesses in causes not appealable to writing, or not, as the Judges might think proper?

5. I am of opinion, that no measure would contribute to expedite the decision of suits, (consistently with the due administration of the laws) more than the separation of the offices of Judge and Magistrate; the attention of the Judge being confined to one department, he would be enabled to do the business of two zelahs if required, with the assistance of an able Register, while the Magistrate, unembarrassed by civil causes, could give his whole attention to the police of the country.

I do not think that the object would be much promoted by leaving it optional in the different Tribunals to commit the depositions of witnesses in causes not appealable to an higher Tribunal, to writing or not, as the Judge might think proper. I think such permission, might be liable to many objections, from the universal corruption of all ranks of natives.

6. Are you of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding Sicca rupees 200—What is the amount to which you would recommend the jurisdiction of the Courts of the Commissioners and of the Registers should be extended; and to what degree would the general administration of justice in the district, subject to your jurisdiction, be expedited by the adoption of this arrangement?

6. I do not think it advisable to extend the jurisdiction of Native Commissioners beyond its present limits, from the known proneness of the natives to abuse the trust committed to them (at least with regard to this district). I should not consider it as safe; but I see no objection in extending that of the Register to 500 Rupees, and conceive it would much contribute to expedite the general administration of justice.

7. Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of law suits to be too considerable, or otherwise?

7. I do not consider litigation to have been checked on account of the expenses attending the institution of suits; the number of those who sue as paupers has alone been increased, and those only have been restrained whom the shame and dread of appearing as paupers before a Court, and taking the required oaths, has deterred. The natives consider the tribunals of appeal as an encouragement to litigation, since the appeal suspends the execution of the decree appealed against. Thus entrenched behind the law, wealthy and litigious defendants contend from tribunal to tribunal: if for a landed estate, when they are arrived at their last resource, they withhold the revenues till it is sold by the collector, and then purchase it again themselves under another name.

If the suits be for money, after the defendant has fought through all the tribunals and has no other chance left, he defeats the operation of the last decree by a fraudulent conveyance of his property, the proving of which will require a new and intricate investigation. The imprisonment of his person he considers as nothing; on the contrary, he converts it to the purpose of adding to the plaintiff's perplexity, by making him pay for his maintenance. I consider the charges too considerable; at all events they ought not to be increased.

8. Do the fees paid to the licensed vakeels on suits instituted or defended by them, constitute a sufficient inducement to men of character, and of proper qualifications, to undertake those situations? Are the vakeels attached to your Court persons

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of the above-mentioned description, and are they in general well acquainted with the printed Regulations?

8. The emoluments of a licensed vakeel depend upon his reputation for abilities, fidelity, and exertion; possessing those qualifications, the earnings of a vakeel are very respectable, and he may rise to eminence in his profession; the office is held in respect. The vakeels of this Court are men of abilities, and are in general well acquainted with the printed Regulations.

9. Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court, the merits of the suits instituted?

9. I do not think that the end proposed has been so completely obtained as could be wished; the imperfect mode in which instructions are given to the vakeels, is one reason a native considers a fair and clear statement of his case, as furnishing his adversary with arms against himself; hence every thing is brought forward piece-meal, and contributes to lengthen the cause, and render the matter intricate; the vakeels themselves are not exempt from this mistaken policy, as their reputation for abilities depends upon the ideas the natives have of their address.

10. Do the vakeels in general discharge their duty to their clients with honour and fidelity?

10. I have not seen any reason to suppose any of the vakeels of this Court deficient in fidelity to their clients.

11. Are the principal inhabitants of your jurisdiction, as well acquainted as individuals in general can be supposed to be informed, of the laws of the country?

11. The zemindars are, for the far greater part, puppets in the hands of their agents; uninformed either with respect to the Regulations or their own affairs; but the class of gomashtahs, &c. and the natives in general, are sufficiently acquainted with the Regulations to render them subservient to their purposes, to convert that to poison which was intended to heal, and to make the law a stalking horse for the purposes of fraud and oppression.

12. Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

12. I see no necessity to alter the forms established for the trial of civil suits.

13. Have you in your Court-room any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court, or sitting in it?

13. The Court-room is adapted for all the purposes mentioned in this article; no particular forms or ceremonies are observed in opening the Court, or sitting in it; adjournments are notified by proclamation, and the resumption of business after a recess, is previously advertised; places are appropriated to the officers of the Court, the vackeels and witness upon a raised platform; the rest of the cutcherry is allotted to all others who choose to attend.

14. Are there any private schools or seminaries, in the district under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are those institutions maintained?

14. The idea of a school where the expenses are defrayed by the contribution of the scholars, as in European schools, is totally unknown here; but in general, where it is not a public endowed foundation, the master maintains the scholar; hence the answers from the natives upon this subject universally state, that there is no such choapary for the Hindoos, where the shaster might be taught in the whole zelah, that some private Bramins maintain and teach a few scholars the sciences of grammar and syntax at their own expense. The answers from the Mahomedans with regard to madressas, are nearly the same; people who can afford it, keep a mollah in their house to instruct their children; but in the case of there being only one person in a country village who may have learned to read, the neighbours subscribe one or two annas each for the maintenance of the man, and to retain him as an instructor for the children of the village. All schools and seminaries formerly were endowments either royal or private, where the scholars are boarded, clothed and maintained; of this description there are none in this zelah.

15. What is your opinion regarding the general moral character of the inhabitants of your district? Has the moral character of the inhabitants in general, been improved, or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

15. I have already expressed my opinion of the general character of the inhabitants, in my Report on the Police, transmitted to the President and Members of the Police Committee, on the 30th August 1799, and have detailed what I conceive to be the causes of that depravity. I beg leave, therefore, in answer to this part of the interrogation, to subjoin an extract, Appendix, No. 2. "I am not of opinion that hitherto the system established by the British Government has had any perceptible effect upon the morals of the inhabitants,

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which may arise from the difficulty of fitting those laws to a people blinded by prejudice and enslaved by custom, and with whom low cunning, artifice and intrigue, hold the place of merit, genius and ability."

16. Are you of opinion that the inhabitants in general, of the district under your jurisdiction, consider their private rights and property to be secured by the present constitution of the country, against infringement either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

16. Those who themselves frequent the Courts of Justice, or by their connections with those who do, and are enabled to form a judgment of the principles upon which the Regulations are framed, acknowledge the security of the private rights and property; those who have not that intercourse (which is the greater mass of people) still entertain their old jealousies and prejudices, nor will it be easy to inspire them with confidence in that security, which the institutions of the Government are intended to afford, as they have no idea of power but what is absolute and arbitrary, and under the notion, consider the Regulations of the Government as temporary only, liable to be rescinded and altered at pleasure by the same authority which enacted them; it must require a long experience to change those sentiments: the idea of a supreme executive authority prescribing laws and limits for itself, is not easily conceived by them.

17. Are you of opinion that the district under your jurisdiction is in a state of improvement, or otherwise, with respect to its population, cultivation and commerce, and its buildings or other works for religious, domestic, or other purposes; and on what grounds do you form your opinion?

17. When I look back to the effect of the famine of 1787, I cannot but conclude that the district is in a state of improvement, with respect to cultivation and population. With regard to commerce, the war had had a fatal effect upon it, and the misconstruction of the Regulations for collecting the town duties and government customs, seems to prevent its rising again from its state of depression.

With regard to building, or other works, religious or domestic, there is no perceptible improvement, or otherwise. There are however large tracts of this zelah which still shew the effects of the above-mentioned famine. Bowal, Cassimpore, and Taleebabad, from the vast depopulation occasioned by the scourge, are overrun with jungle, and annoyed by elephants and other wild beasts, that they have become almost deserts; and without the erection of kiddahs, I do not see a prospect of rendering the cultivation safe or secure, particularly in Bowal.

A country so intersected as this, and of which the soil for the greatest part is a light sandy earth, must be subject to changes arising from the alteration of the courses of the great rivers; great tracts are either gradually encroached upon, or suddenly carried away, and others covered with sand, which renders them for a time unfit for cultivation. These are events which human prudence can neither prevent nor elude.

Extensive plains of the most fertile soil are thrown up in other places; but a law is necessary to define the nature of claims to new formed soil, and to regulate the assessment of the revenues thereof.

This will ensure many individuals from ruin, put a stop to armed affrays, and preserve the revenues of the state from diminution; for the proprietor or possessor of a new raised cher is not at present assessed in proportion to its increase; every addition to it is so much clear gain; hence they are, a continued bone of contention. The proprietor of lands carried away by the rivers, on the other hand, is generally ruined, and the revenue of such land stands as a balance in the books of the collector.

18. Are you of opinion, that the inhabitants of the district subject to your jurisdiction, are in general satisfied with the British Government?

18. The mass of reiatts are satisfied in as much as they are not exposed to the outrages to which they were formerly subject, in the collection of the revenues, nor to the depredations of those hords of Saniassies and Fakeers, which used to overrun the country. The Hindoos in particular are satisfied, on account of the security of their religious prejudices from molestation. But the zemindars, &c. consider the rigid exaction of interest from the first day of the ensuing month, a hardship, as it does not allow for the time which must necessarily elapse in bringing the remittance from the moffussul, the subsequent shroffing of it, and the final payment of the same into the treasury, although clause the 2d of the 23d section of Regulation VII. 1799, refers to the 3d section of Regulation the XIV. 1793, which allows for such time; they conceive it a hardship to be obliged to pay interest for that time which the regulation deems necessary to convey the revenue to the public treasury.

The humanity of Government has abolished the former mode of collecting the revenue, and substituted the sale of the defaulter's estate; but the natives consider these sales as a political manœuvre to crush the influence of the zemindars and considerable landholders; that while Government is thus exact in enforcing the payment of its own rights, the hands of the landholder are tied, with respect to his reiatts and under-tenants; that his authority over them has been annihilated, that his difficulties are increased in the collection of his rents. How far these are real or imaginary hardships, or whether they arise from improvidence in the landholders themselves, and the jealousy and want of confidence of the reiatts, I shall not take upon me to determine; certain it is, that the difficulty of collecting from

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the reiatts, will be in proportion to their apprehension of the rapacity of the landholder. If punctuality in their payments subjects them to an increase in the demand against them, they will naturally endeavour to withhold their just revenue. A bengally considers only the present hour, he is improvident of the future, and the most of the landholders are mere puppets in the hands of rapacious and unprincipled gomastahs; it is no wonder that they find themselves involved in difficulties from which they are unable to extricate themselves, and that their estates are sold; but they impute their ruin to the strictness and punctuality of Government in the exaction of its revenue.

An arrear becoming due from an estate under temporary attachment by officers on the part of Government, is sold, or part of it, to liquidate that arrear, which possibly might have been occasioned by the embezzlement of the tasildar or sesawal, whose unexamined accounts are the vouchers on the faith of which the sale is made. It is probable that these sales of a zemindar's lands, for balance accruing during the time of the tasildar's management and collections, may have been owing to a mis-use of the words sesawal, which is employed here in a sense different from its usual acceptation. It is here confounded with the office of coork tasildar: it is of importance to point out the distinction.

The appointment of a sesawal does not deprive the zemindar of responsiblity, because it is not the duty of the sesawal to take the management out of the hands of the zemindar: the zemindar and his own people make the collections, but the sesawal is to take care that the revenues are not dissipated or embezzled, but duly brought to the public treasury.

The coork tasuldar on the contrary completely supercedes the zemindar in the management, and the collections are made by himself and officers of his own appointment; of course the zemindar can in no sense be considered as responsible for arrears accruing under the management of another person. But a coork fasildar is here termed a sesawul, and the Board of Revenue, not being aware of this local error, may have been led by it to consider the zemindar as responsible, when in fact he had been totally dispossessed and superceded in the management of his estate. If this mistake had been sooner discovered, many sales would probably not have taken place. I was not myself aware of it till the course of the zemindars of Serampore against Mr. Armstrong, was brought before this Court; when I found that not only the usage of the country, but the usual official style of the collector's cutcherry, indiscriminately called an officer deputed by the collector, sesawall, whether sent to attach an estate in toto, or only to preserve the revenue from being dissipated or embezzled by the zemindar.

With respect to purchasers at public sales, from the intricacy and confusion in all revenue matters in this district, they find themselves likewise in an aukward predicament; sometimes the sale is undefined. The name of a Marshal with the word ogheca annexed, without particulars; the Judge when called upon to put him in possession of his purchase, is perfectly at a loss what to do he cannot give a general undefined order, the collector cannot from his office furnish the particulars, the purchaser is unable to get possession, and in the mean time is obliged to pay the revenues of his purchase, which if he fail to do, it is put up to sale and he finds himself ruined; sometimes when the purchase is of a share of an estate belonging to one proprietor, for arrears due from another, the man conceiving himself injured, refuses to deliver his share of the estate up to the purchaser, and resists the process, which is a source of vexation to the purchaser and trouble to the Judge; the principal of such a sale is, that every part of an undivided estate, even if purchased at a Government sale, is liable to be sold for any deficiency in the revenues due from the whole joint estate, for such it is considered if registered under one head at the Sudder Office; but it is often the case that the division in the moffussal is complete and distinct, and that the shasers pay respectively the revenue of their shares separately to the native zeladars, and receive separate receipts for their respective payments. They conceive that the Collector might have been able to discriminate by the accounts of the native zelahdar, and by the receipts in their possession, who was the real defaulter.

But the business of this zillah is in the extreme multifarious and intricate; it consists for the far greater part of small talooks, divided and subdivided into almost endless distinctions; to be master of the clue of this labyrinth no collector can expect; he must depend upon his officers, let his abilities or exertions be ever so great. These people find it their interest to to render the intricacy more impenetrable; they alone are masters of the detail; the making out the lots for sale, important as it is, must therefore depend upon them, and it is probable that most of the confusion is owing to this circumstance.

Sometimes the lands of a talookdar (a real proprietor of the soil) are sold in satisfaction of arrears due from his zemindar, because it had not been separated from the zemindarry notwithstanding his applications for that purpose, and he is reduced to the necessity of purchasing his own property, or is completely ruined. Till the actual separation, which may be delayed by many accidental circumstances, it is considered as part of the property of the zemindar. In all these cases, the distant prospect of redress by a decision in a Court of Justice, is in their minds a poor satisfaction. Some regulation is, in my opinion, absolutely necessary to obviate this confusion. Exclusive of the injustice to individuals, I much question whether it is not detrimental to the revenue of Government in a great degree, by the perplexity it introduces into the system, and the diminution it occasions in the value of landed property from the idea the natives imbibe, of the insecurity of it. A sale may be reversed by the sentence of a Court of Justice, and exclusive of the vexation and disappointment of the purchaser, the ultimate loss resulting from these irregularities, must eventually fall upon the Government.

I have not mentioned yet the intricacy and confusion occasioned by local circumstances, and the tricks of the zemindars.

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It was formerly a custom for people who were possessed of rent-free lands, to obtain the protection of a great zemindar, to enroll their names as talookdars, or the name of one of their ancestors at a small jumma. It appears in the zemindarry accounts, the talook of such a one without any description of situation, the zemindar knows no more of the talook than the above-mentioned jumma, which they call here tuckmeena jumma; there is not a foot of land however belonging to the nominal talookdar in the whole zemindarry, but as it stands in the accounts of the zemindar, it is liable to be sold as his property, and the purchaser finds he has purchased nothing but the right of paying the assessment as it stands in the books of the zemindar.

A zemindar finds in the separation of talooks from his zemindarry, an opportunity of lessening the public demand against his own neez talooks, either by overcharging the talooks to be separated from him in proportion to that diminution, or in occasioning separations to be made of nominal talooks, the revenues of which are paid for two or three years by an ideal talookdar: payment at length is stopped, and the supposed talook is put up to sale, without the collector or purchasers being able to discover the property sold. In a case of this kind, the zemindar, from whom the separation was made, ought either to be obliged to point out and ascertain the property or be made answerable for the arrears of revenue.

In the case of over-charged rents of actual talookdars, many persons have thrown up their rights, not being able to answer the demand; their talooks are sold with its overrated assessment, and the purchaser, not finding assetts to enable him to discharge the revenue, falls in arrears, and the estate is sold again, decreasing in price at each sale. The intrigues of the officers employed in the collection have often occasioned great confusion in the management of the revenues, and too often serious loss to individuals; the address with which these are carried on requires great experience in the collector to detect; for it generally happens that the whole of his amlak are closely united to deceive him. If the collector sees only his own people, and shuts his door against a liberal communication with respectable natives, from whom he might derive information and instruction, he must never hope to be undeceived.

The natives represent that plausible but vexatious delays in receiving the money into the public treasury are often invented, till a douceur softens the officers concerned, into compliance, and the money before objected to, is received without further objection; that if the douceur is not forthcoming, the party is represented to the collector as a defaulter, and his lands are advertized for sale; that by mistaking the sense and intention of the 2d section of Regulation I. 1801, a fine is exacted, together with the interest, although by the Regulation, the option rests only with the Board of Revenue in certain cases specified in the Regulation.

The natives complain loudly of the system of collecting the town duties and Government customs; they assert that trade has been destroyed, and the prices of all articles, whether taxable or not, have risen enormously. The reasons assigned by the natives for this latter effect are, that articles taxable are detained for several days at the moffussul ghauts, under pretence of searching for concealed articles. The expenses attending these detentions are added to the price, and as these restraints contributes to lessen the importation, the price will of course be further enhanced, in proportion to the scarcity of the article.

They represent, that before the collector of the town duties and Government customs took place, the choke of the city thronged with inferior delolls, who sold cloths of all sorts for the weavers at a fixed brokerage, from which they derived a subsistence; that the amount of cloths thus sold could not be estimated at less than thirty or forty thousand rupees per month.

That this trade is completely destroyed; that most traders of small capitals are ruined.

At Nolucky Hant in the pergunnah of Bowal, was holden for nine days an annual fair, where the weavers used to assemble to purchase their annual stock of trade. The business carried on there was never less than three lacks of rupees, but this year the weavers have returned without being able to purchase any thread or any article whatever. According to the Regulation, the articles were not taxable in that stage, being brought from within the line of chokies: this great desertion the natives attribute to the dread which the chupprassies and native officers of customs excite; that these seem to consider every change of proprietor as subjecting the article to a new tax. That the line of chokies referred to in the Regulation, is not defined; that the shahbunder chokies were not stationed upon the principle expressed in the Regulations, of a boundary line to the authority of the collector, but at principal and populous gunjes, without regard to situation; that of course no application of the principle of the Regulation to the present situation of chokies, can be made; that this circumstance creates great confusion and uncertainty. The extent and limits therefore of the collector's jurisdiction ought to be settled and defined, in order to ascertain the line of the chokies referred to in the Regulation.

That as the Regulations do not state any precise quantity of an article which might be exempted from the tax, the peons of the ghauts arrest every thing, let the quantity be ever so small, or article ever so trifling; they contend that some distinction ought to be expressly made between the purchaser for private use, and the trader; that this falls particularly heavy on the poor, subjecting them by the detention, to an expense perhaps exceeding the value of the article.

A sufficient number of copies of the Regulation has not been dispersed, for the generality of the people to know what is or is not the order of Government; and the style of the Regulations, although legally accurate, becomes in the translations, difficult to be comprehended by the mass of people who are to be affected by its operations: references to clauses and sections of Regulations of former dates, bewilder and perplex those who have not made themselves masters of, or have not been able to procure, the Regulations referred to.

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They complain of another cause of delay, that there are only two Jackendars in the custom house; that the valuation of all kinds of articles, whether of produce or manufacture, depends upon these men; that of course it must be liable to practices which may injure the private individual, or materially affect the public revenue, either by extortion, or over-rating in one case, or conniving at an under-valuation in the other.

I have not mentioned the insolence of chapprassees, because it is the natural consequence of arming low natives with authority.

The higher ranks of natives feel their prejudices hurt at the equality which they suppose our Government to have introduced amongst the lower orders, by giving them a consequence in the scale of humanity, to which neither their birth nor cast had entitled them.

Whether all these real or supposed causes of dissatisfaction exist or not, it is of consequence to the Government to know, and guard against the probability of them.

A small acquaintance with the character of the natives will be sufficient to prove the possibility of the abuses complained against.

19. Is the present system of Police well calculated to ensure the apprehension of offenders?

19. I do not think the present system of Police well calculated to ensure the apprehension of offenders.

The tannahs are much too expensive; some are in extent equal to, if not larger, than a great county in England. What can a tannadar effect with ten men, in such an extent, and where the zemindars are in habits universally of protecting and concealing robbers.

20. Are the Police Establishments in the district subject to your jurisdiction adequate to the duties required of them?

20. I think the tannahs are too extensive, and of course too few in the zillah to effect the purposes for which they were intended; besides that the different surrounding zillahs are so intermixed, that there are many places included in the zillahs of Mymensing, Tipperah, Jessore, and Rajeshahy, which are in the heart of this zillah; and many places included in this zillah situated in the midst of those four zillahs, at a great distance from the cutchery of the tannah, to which, according to this arrangement, they belong. As it would cause great confusion and expense to the proprietor of those places, if the revenues thereof were ordered to be paid in and annexed to the zillah in which they are situated, they might, with respect to the payment of their revenues, be continued as they are; but with respect to the operation of the Dewanny and Foujdarry authority, I would advise that the several zillahs be limited by certain known boundaries; and places within those boundaries should be considered and declared as amenable to the court of the zillah in which they are situated, notwithstanding the payment of the revenues in any other zillahs.

In order to explain the inconvenience which proprietors of these insulated places would experience, if their revenues were to be annexed to the zillahs in which they are situated, it is necessary to observe, that these places are parts of zemindaries belonging to proprietors, who reside in, and are amenable to the zillah where the principal part of their estate are situated, they would therefore have as many new sets of amlah to pay as there were zillahs to which these detached parts were annexed; and probably the expense of those amlah would equal, if not exceed, the produce of the villages to which they appertained. It is not so with respect to the operations of the Dewanny and Foujdarry Courts; and the advantage in the Foujdarry is obvious, as it would prevent these detached places from becoming receptacles and retreats for decoits.

I would confine the duties of tannadars to objects of enormity, and totally preclude them from interfering in petty disputes, and litigious squabbles, as they are more prone to give their time and attention to what may afford a prospect of private though illegal advantage, than to exert themselves in the most important duties of their office; the facility of these appeals in trifling matters, encourages a spirit of opposition highly detrimental to the peace of the district, and affords a ready and constant means of oppression, under the appearance of law. Besides, the burkondasses of the tannah are dispersed in serving these processes when their united service is required for more important objects.

21. Are you of opinion that the number of crimes committed annually in the district under your jurisdiction has increased or diminished since the year 1793, and to what cause do you ascribe the increase or diminution?

21. Gang-robbery and piracy have certainly much diminished in this zillah since the year 1793, owing to the seizure of so many surdars; but above all to the confinement of a knot of goindas, who reared and protected large gangs of dekoyts, and who acted as spies upon the measures of the Magistrates. Other crimes seem neither to have diminished nor increased, except the heinous crime of perjury, which, I am sorry to say, has considerably increased, and seems increasing.

22. What crimes of enormity are most prevalent in the district under your authority, what is the cause of the prevalence of such crimes, and what are the means you would recommend to be adopted, for their suppression?

22. From an inspection of the various calendars and the Foujdarry File, it appears that the most frequent and prevalent crimes of enormity are robbery, murder, theft, perjury and armed affrays, the concealing encroachment of zemindars and other landholders, and the collusion of the professional goindas or informers, who like Jonathan Wild, excite gang-robbery, conceal the principals, and derive maintenance from the contributions which they levy from the gangs with whom they are connected; the general timidity of the native, which facilitates robbery, and the total want of early education in principles of morality, and

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the restriction of the passions, these I suspect to be the principal causes of the prevalence of these crimes. I had drawn up a regulation with a view to their suppression, and therefore beg leave to annex it as my answer to the last part of this paragraph.

23. Do the inhabitants, in general, of the district subject to your jurisdiction, keep arms in their houses; what description of arms do they retain, and for what purposes are the arms retained?

23. Tulwars, shields, pikes, and matchlocks, are the most general arms used in this district; the long spear, called the roybauns, and the raindaw, a long weapon in the shape of a billhook, are most generally found amongst decoits; those who have any property to defend, have sometimes a burkundass or two, or some archers.

Zemindars who are engaged in disputes for land, hire arms occasionally, but seldom keep them in their houses, except a few spears; yet there have been instances of old jinjane pieces, used by them in their affrays, but that very seldom.

24. Are there any brick or mud forts in your district, in what state are the forts, and what is the nature of their construction?

24. To preserve the city of Dacca from the depredations of the Mughs, forts were erected in places deemed proper for the purpose. I shall confine myself to those situated in this zelah.

1. Idrackpore, built of strong brick masonry, and still entire, a little to the south-east of Feringhy-Bazar; its form and dimensions are shown in the accompanying plan, done by a native from actual measurement, No. 3, Appendix.

2. Sonacandha, entire, but would require some repairs, opposite Narraingunge on the eastern bank of the Luckea; vide plan, No. 4, Appendix.

3. Hajygunge, on the western bank of the Luckea. The plan, No. 5, Appendix, shows its form, and where it is decayed, this has a communication with

4. The Fort of Dappa or Futteesollah, at the mouth of the Boorcegunga, vide No. 6, Appendix.

There was a fort opposite to this, but it has been carried away by the river.

At Tannah Feroseuaggur, was a mud fort, which has been destroyed by the river.

There is another fort, but overrun with thick jungle at Siripoor, the Chiddypoor of the map. The Caligunga having become the main stream of the Ganges, it is probable this fort will not long be in existence.

25. What proportion do the Hindoos bear to the Mahomedan inhabitants in the district subject to your authority; and what do you suppose to be the number of the inhabitants of your district, of all descriptions?

25. From conversations with the best informed natives, whose experience in the affairs of this district is unimpeachable, I am given to understand, that the portion of Hindoos may be estimated at 10/16 to 6/16 Mahomedan inhabitants.

From the same authority, I am taught to suppose the population of this district may be estimated at more than 1,200,000 souls of all descriptions.

Nor do I think the calculation exaggerated, when it is considered, that according to the books of the collector, there are,

Huzzooru Talookdars	12,577
Dependent Talooks, by estimate	3,000
Total	15,577
Whole Mouzahs	5,000
Kismut, or divisions of Mouzahs	17,000
Total	22,000

Now allowing what is rather within the mark, an average of 200 inhabitants to each Mouzah, and 80 the average of each Kismut, it will produce a population of 1,340,000 souls. No accurate account can be expected from the landholders themselves, as they are jealous of the views and intentions of Government. In the above statement I have not taken into account the inhabitants of the rent-free mahals.

26. What are the names of the persons possessing the highest rank, and the greatest opulence in the district, subject to your jurisdiction; what number of followers armed, or otherwise, are they supposed to maintain in their service, and do they appear abroad with such followers armed?

26. From the separation of talooks from zemindaries, and the sale of lands to liquidate the arrears of revenue, the property of those zemindars who were formerly of weight and consequence in this district, has been dissipated and dispersed amongst new proprietors; so that there are hardly any who can be described as having greater influence than others. There are no great zemindaries in this zillah; Noroolapore, a fragment of Rajeshahy, is now one of the most considerable, the joint purchasers of which are Molovy Burkuttullah and Hunykissen Roy. Bowal, for extent, if in full cultivation, would be by far the most considerable zemindary in this zillah, but the desolation occasioned by the famine in 1787, and the depredations of the wild elephants, prevent it from recovering its former state of cultivation, it therefore now ranks almost as inconsiderable. This estate has fallen to minors, who are mere children.

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Meer Ashruff Ally has but a small part in this district, but being on the part of his wife a sharer of one half of the zemindarry of Buldacaul, may be considered amongst the most considerable men, but as he resides either in Buldacaul, or the city of Dacca, and not in this district, the magistrates of those places are best able to speak respecting his followers, or whether they are armed or not.

Meer Hussein, a gentleman of great respectability, is a proprietor of a talook in this zillah, but as his means are not very large, I do not suppose that he retains more followers than what he deems absolutely necessary to deter robbers from attacking his property.

The zemindarry of Bykuntpore may be reckoned amongst the considerable estates, compared with the innumerable small talooks into which this zillah is divided; it is held by the widow of Lalla Kiritnarain, and Shibnarain the brother, and Luckykunt the nephew; the two latter are now in confinement under sentence of the Court of Circuit for an affray with the people of the widow above mentioned, in which one person was killed on the one side, and two on the other; the retainers of each party were about 100 or 200 in this affray, and a few burkandoss only occasionally hired, or at least the greatest part of them.

I have now mentioned the most considerable persons and estates in this district, but the greatest part of it consists in small talooks; nor, in fact, is there any person who has such power or influence in this district as to be deemed worthy the attention of Government.

27. Are there any persons in the district subject to your authority supposed to be disaffected to the British Government; what are their names; and to what means do you resort for superintending their conduct—Have these persons any influence in the district, and to what extent?

27. I have not heard of any person openly disaffected to the British Government, but it is natural for those who by their birth or influence were entitled to or actually possessed situations of dignity and emolument, to feel their reversed circumstances, and to regret the change of Government which has occasioned them.

28. Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

28. From my knowledge of the dispositions of the natives, and of their fondness for distinction and honours, I think the measure alluded to in this paragraph would be highly acceptable to them, if due attention is paid to the selection of the parties; but it should be ever remembered, that honours under the old Government were not mere forms; some office of dignity and emolument was always attached to a title, and that the honour was personal, never hereditary, and liable to forfeiture for conduct contrary to that which had procured them the distinction.

29. What is the state of the roads, bridges, and other public works in the district under your authority, and at whose expense are they kept in repair?

29. *Roads.*—The greatest part of this district in the rainy season exhibits an immense lake, in which the villages, raised on artificial embankments, appear like scattered islands. It is likewise intersected in many places by rapid and formidable rivers, constantly varying the face of the country, either by sudden or gradual changes of their course.

To make a road from Hajy Gung to Dacca would require in the plains between the rivers, causeways of the height of six or eight cubits, and in some places twelve or fifteen cubits, with proportional breadth and solidity to resist the action of the large waves, which in this intended surface a moderate wind is able to raise.

The Ganges has lately changed the course of its main stream, which has broken a passage above Jaffer Gunge through Guz-ghotta into the Dulasery. At a place near Mustool it meets with the Jermoi, which from being a small Nulla in the time of Major Rennel, is now become a principal branch of the Brama-pootra.

A road might be made from Tunghy to Mymensing and another by repairing the bridges from Dacca to the fort of Hajy Gunge on the Luckeah. From Cuddum Russool on the eastern bank of the Luckeah, a road might be formed to the banks of the Megna, with two rivers to cross, but at present there is no high road in this Zillah, and in fact almost all journies are performed in boats.

Bridges.—The bridges in this district were erected to keep up the communication of the city with the forts intended for defence against the attacks of the Mughs.

First is the Dooloy bridge, in the City of Dacca, in ruins, the large masses lying in the bed of the river like rocks.

2d.—The bridge of Post Golah, the boundary of the city eastward, it is of strong brickwork, and although the buttresses at each end, which were in the form of Minarets, are decayed, the bridge is yet strong and passable.

3d.—Saumpore bridge, of strong brickwork, broken at the eastern end, and although the rest is perfect, it is rendered impassable, as the water which broke down that part has formed a deep channel across the end of the bridge.

4th.—Paugla Pool, formerly of strong pucka work, but now overgrown with the pepal tree, and is split and overthrown, in all directions and totally impassable.

5th.—Peetawalle

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5th.—Peetawalle ke Pool, the pier heads at each end destroyed, and the bridge impassable; it was of strong brick masonry; this completed the communication of Dacca with the fort of Daupna at the eastern entrance of the Boory Gunga.

There is likewise a bridge of brick masonry over the Meergunge Nulla in good repair.

And at Abdullapore there is another bridge of strong brickwork, and passable, although a little decayed at one end.

Public Works.—These consist of Musjeds and Mundirs, or Hindoo temples. Considering the extent of country included in the zelah, these are thinly scattered.

Those of any antiquity are in general deserted and in ruins; those of modern date are in general in good repair.

30. How are the convicts in the district usually employed; and is there any manner of employing them which appears to you preferable to the manner in which they are at present employed?

30. The convicts of the zelah jail are employed under the orders of the city Magistrate in repairing the roads about Dacca, and in any other public works.

I do not at present see how they can be more preferably employed.

31. What is the state of the jail in your zillah?

31. There is no regular jail for this zelah; the Magistrate has ever been under the necessity of hiring private houses to serve as such; of course they cannot be expected to be calculated for the purpose in every respect; the buildings are tolerably large, and surrounded with high walls, but not sufficiently large to accommodate the number of prisoners which upon an average is always to be found in them; they are supplied with water by wells which sometimes fail; there is no remedy for these inconveniencies, but the erection of a spacious and commodious jail with tanks, or those large bricked wells which are here termed indarrars or bowlies.

The uncertainty with respect to the removal of the zelah cutcherry from the city of Dacca has hitherto prevented any resolutions of Government upon the subject.

32. What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character in your zillah, commissions empowering them to act as justices of the peace—Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of offenders—By what rules would you regulate the extent of the jurisdiction of such persons; would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

32. I would by no means advise the measure alluded to in this interrogatory; so far from thinking that it would contribute to the suppression of crimes, I am convinced that in those eastern provinces it would be the ground of great enormities and oppression.

33. Are there any new rules or regulations which you would recommend to be adopted, as being calculated in your opinion, for the suppression of crimes in general?

33. Anxious to prevent the evils of gang-robbery, armed affrays, and perjury, which were so prevalent in this district, and sensible that other measures were necessary, than what the present regulations authorized, I had drawn up my ideas upon this subject in the form of a proposed regulation, conceiving, that although as a whole it perhaps might not meet the approbation of the Government, yet parts might be deemed worthy of notice. I intended to have transmitted my report upon such proposal, through the regular channel of the Court of Appeals, but the purport of this interrogatory suggested to me the idea of subjoining the proposed regulation as my answer thereto. (Vide Appendix No. 7.)

34. What has been the operation of the last regulation respecting the tax on spirituous liquors, with regard to the vice of drunkenness—Are you of opinion that the establishment of the taxes now levied on spirituous liquors have rendered the vice of drunkenness more prevalent that it was previously to the establishment of those taxes.

34. The operation of the regulation alluded to is not percepible in this district, as the use of spirituous liquors has never been general enough to mark the effects of it; in fact, the vice of drunkenness seems confined to the large cities only; Ganja or Bang are more commonly used, and those amongst boatmen, Jelluahs, and other hard-working people, exposed to the weather.

35. Do any measures occur to you, the adoption of which would in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the district?

35. To answer this interrogatory satisfactorily is no easy matter; to effect this gradual reform of the morals of a nation so blinded by prejudices, and so infatuated by custom, many and great are the changes which must take place; above all, a total change in the system of education amongst those who have any education at all; and as the great mass of the lower ranks have literally none, I think it would have a great influence upon them if vice and crime made the offenders subject to degradation in, or total loss of casts; and the members of the punchant liable to the penalty of a fine, if they conceal or protect the offender, or do not give immediate information to the magistrate, or nearest tannadar.

It is at the earliest period of life that the foundations of virtue and vice are laid in the mind; while the heart is susceptible of impressions of emulation and shame, it is the time to check and controul those passions, which increase with age, and are ripened into vice and crime by indulgence.

The education of the natives is the reverse of this; it is not only in general neglected at that early period, but the seeds of vice are sown, and it depends upon the disposition of the child only, to biass him in his preference of any one in particular.

In many private entertainments, and in public Hindoo festivals, every species of gross obscenity is exhibited in the presence of parents and children. The influence of this upon the young mind needs not be pointed out; it will account in a great measure, for that prevailing depravity of manners, which characterises the present race of nations.

I am told that these exhibitions were not so universal formerly as they are present, but that the low Hindoos of Calcutta, who had arrived at affluence, encouraged and extended them, and that their example has spread them with rapidity throughout the provinces.

If boys be separated from their parents and put to school before their minds have been completely warped; if principles of morality and a sense of shame be enforced at an early age by the excitements of reward and a dread of punishment, and if the Moloyies and Brahmins can be induced to bring the influence of religion in aid of this great work, I think a gradual and permanent reformation might at no very great period be effected.

I am likewise of opinion that theatrical representations, under proper regulations and the immediate controul of the Government, might be made an engine of reform for the public taste and manners.

The disposition of the people is peculiarly fitted for such exhibitions, and we know from what has reached our times, that they must have been numerous and frequent at the period when Calli dass wrote.

36. In your opinion what has been the effect of the Regulation, which declares persons convicted of the crime of perjury liable to be marked on the forehead?

36. I do not see that it has any effect; I have mentioned my thoughts upon the subject in the proposed Regulation, Appendix, No. 7.

37. What has been the operation of the punishment of transportation introduced by the British Government?

37. The dekoyts certainly dread transportation more than death, but that dread will be done away by the return of those transported for a limited term: The present dread is the effect of their imagination: it is occasioned by their uncertainty of what is to befal them, from the confused ideas they form of the place, which their imagination surrounds with horror: when the veil shall be removed by those who return to this country, the dread will no longer exist. I am therefore clearly of opinion that none should be transported unless for life.

38. Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity, or with too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is in your opinion administered?

38. The answer to this question depends upon the state of morals in the community, where these laws are enforced, for what might be deemed severity in one state of society, would probably be absolutely necessary in another; and lenity would be productive of evil in one situation, whilst it might contribute to the happiness of mankind in another.

In the application of this principle to the inhabitants of the zillah, I am of opinion that the present laws are administered with too much lenity in atrocious crimes. Dekoyts glory in the dread their names inspire, they therefore take no care to conceal their names; they become from these reasons publicly notorious, their names and characters are familiar to all the inhabitants, even to those who have never seen them: witnesses against men of this description, risk their lives if they speak to any specific charge: if they only describe them as notorious in general terms, notice is not taken of it, because mere public notoriety, without a specific charge, is not deemed legally sufficient to convict them, and in the opinion of the prisoner, it is rather an addition to his reputation.

Those who volunteer their services to apprehend them, equally risk their lives, professional goindas however are not in the same predicament, their spies watch the motions of the dekoits, and they avail themselves of this information to raise contributions, by making secret arrangements with the surdars, as the price of their silence: the difficulty of convicting these surdars is in proportion to their notoriety, the greater their reputation for robbery and murder, the more difficult it is to get witnesses to come forward against them. There are in my gaols many Surdars of this description, whose release from confinement would be dangerous to the society at large, and certain death to those who had any share in apprehending them. If public notoriety (such as I describe) was deemed sufficient to subject them to transportation for life, I think it would be of the utmost benefit to the community, as the object of their ambition, (an extended notorious name) would with propriety be made the cause of their punishment, I think it would contribute much to check this evil.

No Magistrate who is attentive to his duty, can be long without knowing the characters of notorious surdars.

In the very course of business he must become familiar with their names, and although he has it not in his power to substitute legally any specific charge against them, for the reasons

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above assigned, he feels it his duty to apprehend them, but is unable to convict them, for want of that direct proof which the atrocity of the prisoner's character prevents his obtaining. I can see no real objection which could be made against making notoriety, such as I am describing, subject to the proposed penalties: their names might be advertized, that if they surrendered not themselves within a certain defined time, they should be put out of the protection of the law, and when caught and identified, should suffer the penalty of death, or transportation for life.

It is probable that this doctrine of the necessity of specific proof against the hardened offenders, may have been one of the occasions of the murders and cruelties which they perpetrate in the exercise of their depredations.

If in objection to what I propose, it should be urged that an innocent man might suffer by such vague proceeding as a conspiracy might excite against him, I reply, that I do not conceive there could be a conspiracy so extensive and universal, with so many collateral confirming circumstances against an innocent man; a few might conspire to ruin an enemy, but not a whole community, composed of so many individuals unconnected with each other, and who could not be interested in the fate of the prisoners, if he was not the character they describe. I do not therefore consider it likely that an innocent man could suffer unjustly, if on proof of such public notoriety, a sentence of transportation for life should be passed.

The state of the country calls aloud for a system of police that will rid it of these daring villains, who derive their security, as it were, from the enormity of their crimes.

It is true the Magistrate may demand security from them for their good behaviour, and confine them till they give such satisfactory security, but what effect will that have upon the society at large, which is conscious of his notoriety, and the reasons which prevent witnesses from coming against him? it will appear to them as if the Magistrate had said, "Be but daring enough, make your name dreaded by murder and cruelty, and you are safe, for no one will venture to appear against you." Will not the prisoner consider himself as acquitted, and that the failure of procuring security alone detains him, and not his notorious crimes? The community would be in constant dread of his release, and the prisoner himself hardened in his guilt.

I cannot sufficiently attest this truth, that the dekoyts of this country can never be expected to repent. It is in many families hereditary: it is their boast amongst their gangs that their fathers or grandfathers were hanged or died in perpetual imprisonment. The character of decoyt with them conveys no sense of obloquy; on the contrary, their names are dreaded through the country: they are something in that character; but as labourers or husbandmen, nothing. Where a sense of shame cannot be impressed, and religion has not inculcated a fear of the consequences of such crimes in a future state, it is in vain to look for repentance and if the example of the punishments which had been inflicted on their fathers and grandfathers, could not restrain them, on what can a hope of their reformation be founded? Fully convinced of the truth of this observation, I consider the administration of the laws with respect to dekoyts as much too lenient.

Imprisonment for a short limited term, has no other influence upon the prisoner, if he is a decoyt, than to harden him the more in crime and to confirm him in his evil practices; he departs from the jail, when his term is expired, a more finished and daring villain than when he entered;—can such men be considered as the objects of mercy and compassion? It would be construed indifference by the robbers themselves, and would be in fact cruelty and injustice to society at large.

39. What is the nature of the general conduct of the Europeans, not in the service of the company, who reside within your jurisdiction?

39. There are no Europeans not in the service of the Company, in this district.

40. What is the general condition of the weavers and other manufacturers in your jurisdiction? Are the existing Laws and Regulations well calculated for ensuring justice to the weavers and manufacturers, in their dealings with the officers of the Company, and with private European merchants; and also for enabling the officers of the Company, and the individual European merchants to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods?

40. The effects of the war have been fatal to the generality of weavers and other manufacturers. The distress was great and universal, but the system of collecting the Government customs and city duties has defeated those hopes which the return of peace had inspired. Besides their complaints against the mode of collection, they represent that first a tax is levied on the cotton, a second time when manufactured into thread, and again when made into cloth; they likewise represent, that goods imported into the city from the aurungs, in their brown state, are arbitrarily valued by the appraiser, and both the Government customs and town duties are levied upon such valuation. Should the importer export them within six month (the time allowed by the Regulations), a drawback of 2 per cent. is allowed, but another encreased valuation is made after washing and dressing, and the Government Customs calculated upon it. The excess of the second valuation above the first, is made nearly to equal the drawback, by which means the merchant is deprived of his return, and the intentions of Government are defeated. They complain of the hardship of the town duties, as the city of Dacca is a manufacturing town and depends upon its manufacture for existence, that it therefore should not be confounded with Calcutta, the emporium of a vast trade, and which has not to depend upon its manufactures for support;

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a city that receives the riches of Asia into its bosom, and disperses its treasures throughout the world. On the other hand, the city of Dacca must fall to nothing, if its trade is annihilated, since cloth is its staple and only source of wealth.

With regard to the Regulations, the weavers complain that the penalties bear hard upon them, inasmuch that there is no distinction made between a wilful breach of engagement, and an accidental failure occasioned by robbery, fire, or other adventitious circumstances. Private merchants amongst the natives, argue, that if Government consider the Company as an individual merchant trading upon principles of equality with others, and not as sovereign of the country, equal attention is not paid to their respective rights, penalties being enacted for failure of engagements in one case and not in the other.

I am, Sir,

Your most obedient servant,

Zillah Dacca Jelalpore, the 28th July 1802.

J. Paterson, Judge and Magistrate.

To His Excellency the Most Noble RICHARD Marquis WELLESLEY, K. P. Governor General, at Fort William.

My Lord,

IN compliance with the order of the Vice President in Council, signified to me by the Secretary to Government, Judicial Department, on the 3d December last, I now beg leave to transmit to your Excellency a copy of my Answers to the Interrogatories referred to me.

I have the honour to be, with the highest respect,

Your Excellency's most obedient and most humble servant,

Zillah Dacca Jelalpore, the 28th July 1802.

J. Paterson, Judge and Magistrate.

(Copy, No. 7.)—REGULATIONS for improving the Police of the Zillah Dacca Jelalpore; and for preventing the increase of robbery, housebreaking, and theft; and for the better apprehending of such offenders; and for the prevention of disputes between zemindars respecting the property of chers. Dated, &c. 1801, corresponding with, &c. 1208, Bengal era; the &c. Fussily; the &c. Willaity; the &c. Sumbut; and the &c. Higeree.

AS it is notorious that the zemindars and talookdars of the zillah protect and conceal robbers, with a view to increase the cultivation of their estates, by drawing together a great number of ryots, under the pretence of the security afforded by these robbers, and with the expectance of maintaining their claims to disputed lands by their means, and the assistance of their gangs; it is obvious that while such a practice exists, every effort of the Magistrate to extirpate robbery and theft must prove unavailing; a Regulation, therefore, to prevent this practice, becomes evidently necessary: it is likewise notorious, that when a village is attacked by decoits, all the inhabitants fly from the spot, and those who might have courage to resist, are prevented from exertion by their apprehension that, in case of any decoits being killed by them in the discharge of their duty, they might be liable to be seized, imprisoned, and tried for murder; it becomes obviously, therefore, necessary to remove that apprehension, by declaring them indemnified in all such cases, and likewise to give them every possible encouragement, by instituting rewards for each decoit so apprehended, and establishing a provision for their families, in case of their being killed in the discharge of this duty.

And whereas under the former Native Government, and whilst the Nizamut Adawlut likewise was in the hands of the Naib Nazim, in all cases of public notoriety, where specific proof was not to be had on account of the terror these daring sirdars inspired, the mufty, who pronounced the futwah or sentence, decreed punishment to be inflicted upon them such as the discretion of the executive power might suggest for the safety of individuals and the general tranquillity of the country.

Leaders and members of a numerous gang of robbers, if this had not been the case, would always have escaped the punishment due to their crimes, for the dread of the remaining part of the gang unapprehended would have precluded all possibility of specific proof.

If the natives were in that state of society as might furnish hope of repentance and reformation, a sentence of confinement for a term of years might have the desired effect; but when it is notorious that no disgrace is attached to the profession in the Mofussil, that in some families it is hereditary, and that they glory in the dread they inspire, such hope of repentance cannot be indulged; on the contrary, that their imprisonment and communication with others of the same stamp serves to confirm and encourage them in their evil courses; and when they are released, after the period of their punishment has expired, that they are in fact greater adepts and more daring and sanguinary than they were before; a Regulation is therefore necessary for altering the mode of confinement, and for re-establishing the allowance of kechery, which under the former Native Government was daily furnished to them, instead of a pecuniary stipend, for their maintenance.

And

And whereas a cast of men, who are called goendahs or informers, maintain themselves by privately supporting gangs of robbers in their depredations, and by the contributions they levy from them by such support; and as these men, under the pretence of zeal to apprehend robbers, either themselves or by their spies, frequent the cutcherry of the Magistrate, in order to furnish information to decoits of steps taken against them, these cast of men are obviously as dangerous to society as the robbers they protect; a Regulation to prevent that professional iniquity becomes necessary.

In order to prevent the frequent affrays which happen in this district between landholders, &c. it becomes necessary to strike at the root of this evil, not only to preserve the peace of the country, but likewise to secure the revenues of Government; more particularly when it is known that the zemindar, in acquiring an extensive cher, has no new assessment laid upon him on that account. And whereas the practice of perjury and subornation of perjury, even to the endangering the lives of individuals by false accusations of murder, supported by false testimony, is almost universal in this district, and deserves the utmost attention of Government to put a stop to, and prevent in future, the commission of crimes so destructive and fatal to society, a Regulation for that purpose becomes indispensably necessary. On these principles, and with a view to remedy the above recited disorders, the Governor General has enacted the following Regulation, to be in force as soon as promulgation in the province of Dacca Jelalpore shall have been made.

Rules to prevent robbers, thieves, &c. being sheltered or protected by landholders of all description.

2. A muchulca or penal obligation shall be taken from every landholder or farmer of land, and from their modar naibs and gomastahs, that they will not allow any robbers or murderers, or receivers of stolen goods, or coiners of false money, or venders thereof, to reside within their respective limits; if any person of this description, or reputed so by common report, shall be discovered within the boundaries of their respective estate or farm, they shall apprehend and send them to the tannah, or the Magistrate, with such proofs of their delinquency, or of their public notoriety, as they may have or be able to procure.

Expenses for apprehending and forwarding the offenders, to be defrayed by Government.

The expenses attending the apprehending and forwarding such offenders, to be defrayed by Government.

Penalty for the breach of such obligation or muchulca.

The penalty for the breach of such obligation, to be such as his Excellency the Most Noble the Governor General in Council, may think proper to impose.

Naibs and gomastahs of zemindars, &c. all munduls, putwarries, etmaumdars and poramanicks to execute a muchulca.

3. A similar muchulca or penal obligation shall be taken by all landholders and farmers paying or not paying revenue to Government, from all their munduls, putwarries, curramcharies, etmaumders, and poramanicks, that they will give instant information to their landholders or employers, whenever they make any discovery of persons of the above description taking shelter in or residing in their districts; the penalty for the wilful neglect of this, to be likewise settled by the same authority.

Penalties for refusing to execute such muchulca.

Penalties for substituting a fictitious name.

4. A person omitting or refusing to execute such muchulca, shall likewise be liable to certain penalties, to be settled by the same authority; or if any one shall in the execution of this muchulca, substitute a fictitious instead of his own name, to be subject to the same penalties.

Muchulcas from landholders, &c. to be deposited in the office of the Magistrate.

Original muchulcas of munduls, putwarris and poramanicks, to be deposited in the tannadar's office.

5. The originals of the aforesaid muchulcas, which shall be executed by landholders of every description, or farmers of land, and their moctar naibs or gomastahs, shall be deposited amongst the records of the Magistrate's office, and the original muchulcas of munduls, putwarries and peramanacks, &c. shall be produced by the zemindar or landholders, or the moctar naib when called, and the penalties thereof enforced against the parties subscribing, upon conviction of a breach of the conditions contained in the muchulca.

6. If zemindars, landholders, proprietors of land, or farmers, and their moctar naibs, neglect to exact from their munduls, putwarries, curramcharies, &c. &c. the prescribed muchulca, the responsibility shall rest with themselves, either personally or in property, as the case and circumstances may determine.

Penalties to which landholders of every description and farmers of land are liable, who give protection to decoits, or entertain and hire them in their service, or for any purpose, or suffer their reiatts to pay a tax to them under pretence of their guarding their villages.

7. If any zemindar, talookdar, or other holders of land, whether paying revenue to Government or not, shall give protection to decoits, entertain them in their service, or hire them for any purpose whatever, or allow their reiatts to pay to them meran or tax, under the pretence of their being guards and protectors of such villages, such landholder, whether his land be keraiy or lakeraiy, (that is to say liable to rent or rent-free) upon proof of such connivance, shall forfeit his estate to Government, and himself be liable to transportation for life.

Penalties to which naibs, gomastahs, mundels, putwarries, etmaumdars and peramanicks are liable, who knowingly introduce persons of the above description into the estates of their landholders or employers without their knowledge.

8. In case of naibs, gomastahs, mundels, putwarries, etmaumdars, and peramanicks introducing persons of such description, without the knowledge of their employers, into the estates of such employers, they are to be subject to transportation for life, and their property in like manner confiscated.

Penalties to which reiatts are liable, knowingly introducing persons of such description into their villages.

9. If any reiatt shall in like manner introduce into any village, any person of the above description knowingly, such reiatt to suffer such punishment as the above-mentioned authority may direct.

10. Whenever

10. Whenever any notorious decoit shall be apprehended by the officers of the Magistrate, without the assistance of the official members or reiatts of the village, those official members shall be liable to such fines or penalties, as the above-mentioned authority may direct.

Fines to be imposed upon the landholders, &c. of the place where any robber is resident, if the officer of Government shall apprehend him without notification or assistance of such landholder, his officers, or his reiatts.

11. Proof of public notoriety shall be deemed sufficient to the conviction of decoits and thieves, as specific proof against them is more difficult to be obtained in proportion as they are more notorious, desperate and daring.

Proof of public notoriety to be deemed sufficient to the conviction of decoits and thieves.

12. Government shall be prosecutor in all cases of murder, robbery or theft, since it often happens that in robberies by land or by water, that the only persons who could come forward as eye-witnesses, are excluded by the Mussulmaun law from giving such evidence, on account of their being the parties injured, and therefore not competent as evidence in their own cause.

Government to be prosecutor in all cases of murder, robbery, or theft.

13. The Mussulmaun law in all such cases shall be dispensed with, and such persons admitted as evidence.

Mussulmaun law to be dispensed with; the parties robbed to be admitted as evidence.

14. Prisoners under sentence of confinement for any term of years, shall be kept in solitary confinement, so as to have no communication with any one, except the keeper of the jail, or his officers; or be sent to distant zillahs, to remove them from their connections in this zillah.

Prisoners under sentence of confinement for any term of years, to be kept in solitary confinement proposed or transportation to the jails of distant zillahs.

15. Prisoners under sentence of confinement shall receive the same allowance of kechery, instead of their present allowance in cowries, as was the practice under the former Native Government.

Kechery to be given as formerly, instead of three pound of cowries per day.

16. Prisoners shall not be allowed to go to the bazar under pretence of purchasing provision, nor suffered to have any other provision than what they are furnished with by Government.

Prisoners to have no other provision than what is allowed as above mentioned.

17. Prisoners shall not be supplied with or suffered to purchase opium, tobacco, bang or ganja, or any other intoxicating drugs, unless in cases where long habit has rendered it necessary to their existence.

Intoxicating drugs prohibited to prisoners.

18. Whereas under the Mussulmaun Government, the cauzy was the judge of the fact, and on his verdict being recorded, the Mufty pronounced the sentence of the law; in like manner the Judge of the Court of Circuit shall be the sole judge of the fact, and upon recording his opinion, the attending law officer shall pronounce the sentence in the manner formerly done under the Mussulmaun Government, without going out of Court.

The Judge of the Court of Circuit to be the sole Judge of the fact, and the Law Officer to pronounce the futwah of the law.

19. When a decoit having been released from confinement, to which he had been condemned for any limited space of time, shall return to his bad courses, upon being apprehended and proof adduced, although of a trivial crime, for which he would be liable to confinement for a short period, such decoit shall be invariably transported for life. The members of the cast of such offenders, together with the prohits if Hindoos, or Mullahs if Mussulmauns, and the washerman and barbers of the cast to which he belongs, shall upon discovery of his return to his old evil practices, consider him as having forfeited his cast, and give the necessary information to the Magistrate or Tannadars for his apprehension, upon pain of fines from each individual, or temporary loss of cast, and this shall be the case whenever any young man of their cast assimilates with decoits or takes to bad courses.

Penalty for returning to bad courses after expiration of the term of imprisonment.

Member of the cast prohibited from communing with such relapsed and incorrigible offenders.

Penalties for not observing this Rule.

The Rule extended to young beginners in vice.

20. When a village shall be attacked by decoits, the whole of the male inhabitants and the inhabitants of such villages as are near enough to afford immediate assistance, shall turn out to oppose and apprehend them; and in case of decoits taking shelter in a jungle, the surrounding zemindars shall turn out their pikes and reiatts to endeavour to apprehend them, and to attack them if resistance is made, under penalty, in both instances, of a fine (cases of age or sickness excepted) in proportion to their means.

In case of robbery, all male inhabitants of the village attacked, and those villages near enough to afford immediate assistance, to turn out to oppose and apprehend the robbers. Decoits taking shelter in a jungle, the surrounding zemindars to endeavour to apprehend them, and to attack them if resistance is made, under penalty of a fine.

21. For every offender apprehended, a reward shall be allowed in such proportion as Government may think proper to fix.

Reward proposed for the reiatts, to encourage them to apprehend offenders.

22. In the case of any decoit being killed in resistance, no blame or retrospect shall attach to the person or persons engaged in this duty, and they shall not be liable to trial for the same, unless in case where suspicion may appear, that private enmity and malice, instead of the public service, had occasioned the death of the party slain.

Indemnity held out to the reiatts, if any robber should be killed in resistance.

23. Any reiatt being killed in discharge of his duty, shall involve the whole of the gang of decoits in the penalty of murder.

Any reiatt being killed in discharge of his duty, shall involve the whole gang of decoits in the penalty of murder.

Provision to be made for the heirs and family of reiatts killed in discharge of this duty.

24. In case of any reiatt being killed in such duty, a sooruthal shall be taken by the Magistrate, and submitted to the Nizamut Adawlut, that the heirs of the decease may receive such recompence for their subsistence as may be deemed necessary, either in money or land.

Any reiatt wounded shall subject the whole gang to transportation for life.

25. Any reiatt being wounded in discharge of such duty, shall subject the whole gang to transportation for life.

Goendahs to be treated as vagabonds, and liable to transportation.

26. All goendahs by profession to be treated as vagabonds, and liable to transportation.

Rules for the prevention of affrays respecting boundaries of land in the mofusil.

27. Sirdars of pikes, and pikes or burchondosses, or terandosses, reiatts and slaves, shall not obey any orders to assist in affrays, respecting boundaries of land, or disputed crops, when summoned so to do by any landholder of any description of land, or any farmer of lands, or by any of their officers, under a penalty of a fine from each individual to Government.

Penalty for exacting fines from reiatts refusing to assist in such affrays.

28. And as it has been customary for zemindars and talookdars, &c. to exact fines from individuals refusing to assist in such affrays, in all such cases, upon proof being adduced, the person exacting such fine, shall pay in every instance ten times the amount of the fine to each individual from whom he had exacted it; and a sum likewise of ten times the amount in every instance to Government.

Papers of Indemnity given by landholders to encourage them to join in such affrays declared illegal and of no use to the parties receiving them.

29. And as it has been customary when landholders, farmers, &c. have been arming for such affrays, to give a paper of indemnification to the leaders of these bodies of armed men, in which they take the responsibility of the consequences upon themselves, and with such a voucher these people are induced and encouraged to engage in this illegal conduct; it is hereby declared to them, that such paper will not in any measure take off any share of responsibility from them, and that each will be equally liable to the severity of the law, as if he had been the principal; and the principals granting such papers, shall forfeit their estates to Government; and if naibs or gomastahs, shall be transported for life.

The collector to take possession of all new chers on the part of Government, and issue proclamation directing the claimants to prosecute their claims in the Dewanny Adawlut.

30. The collector on the part of Government shall take possession of all new chers, and issue a proclamation, directing the claimants to prosecute their claims in the Dewanny Adawlut.

The existing chers which have been and are subject of dispute, the collector to take possession thereof and issue proclamation as directed in the case of future new chers.

31. And as there are many of the existing chers which have been, and are at this time subjects of dispute, in all such cases the collector shall take possession thereof, and issue the proclamation as directed in the case of future new chers.

Judge to issue precept to the collector to attach all such chers, when a dispute of this kind is brought before the Adawlut.

32. The judge shall issue a precept to the collector, to attach all such chers, whenever a dispute of this kind is brought before the Adawlut.

Party taking possession contrary to this process, to forfeit all his right.

33. Any party taking possession except by such process, to forfeit all his rights to the same.

The collector to measure and assess the same.

34. The collector to measure and assess the same, if the party to whom it is awarded has had any remission of his revenues in consequence of his former loss by the river; or if there is no record in the collector's office, to show that such loss had ever occurred.

Penalties of perjury and subornation of perjury, upon conviction before the Court of Circuit.

35. Persons convicted of wilful and corrupt perjury, or of subornation of perjury, before the Court of Circuit, shall be sentenced to suffer the tashjar, shall be branded on the forehead, and transported for life, or any period of years, in proportion to the injury which might have been the consequence of the perjury, if not detected.

J. Paterson, Magistrate.

No. 1. (Copy.)—STATEMENT of the CAUSES standing upon file, from the year 1793 to 1801.

Causes made over by Mr. Douglas			3,715
Instituted in 1793			1,971
	Total		5,686
Decided, &c. in 1793			81
Remaining in file in 1793			5,605
Instituted in 1794			2,195
	Total		7,800
Decided, &c. in 1794			117
Remaining in file in 1794			7,683
Instituted in 1795			1,443
	Total		9,126
Decided, &c. in 1795			6,376
Remaining in file 1795			2,750
Instituted in 1796			2,309
	Total		5,059
Decided, &c. in 1796			901
Remaining in file in 1796			4,158
Instituted in 1797			2,476
	Total		6,634
Referred to the Judge of Backergunge		1,169	
Decided, &c. in 1797		1,290	
			2,459
Remaining in file in 1797			4,175
Instituted in 1798			3,644
	Total		7,819
Decided, &c. in 1798			2,783
Remaining in file in 1798			5,036
Instituted in 1799			2,417
	Total		7,453
Decided, &c. in 1799			2,559
Remaining in file in 1799			4,894
Instituted in 1800			1,499
	Total		6,393
Decided, &c. in 1800			2,584
Remaining in file in 1800			3,809
Instituted in 1801			1,032
	Total		4,841
Decided, &c. in 1801			1,578
Total remaining in file Causes of the year 1801			3,263

Zillah Dacca Jelalpore, Dewanny Adawlut, the July 1802.

J. Paterson, Judge.

(Copy.)—No. 2.—Extract of LETTER from Mr. J. D. Paterson, Judge of Dacca Jelalpore, to the President, &c. Members of the Police Committee; dated the 30th August 1799.

Para. 2. To give the Board a true account of the Police of this district, it is necessary, in the first place, to make them acquainted with the manners and morals of the people, especially the lower sort.

Para. 3. As a picture of human degradation and depravity, can only give pain to a reflecting mind, I shall be as brief as possible, consistent with the necessity of furnishing the required information.

Para. 4. Their minds are totally uncultivated: of the duties of morality they have no idea; they possess in a great degree the low cunning which so generally accompanies depravity of heart; they are indolent and grossly sensual; they are cruel and cowardly, insolent and abject; they are superstitious, without a sense of religion; and in short they have all the vices of savage life, without any of its virtues. If we look a step higher, we find the same total want of principles, with more refined cunning; no attachment but what centres in self, for the ties of relationship seem in general only to render inveteracy more inveterate.

Para. 5. I do not mean to say that these people are in that state of ignorance as not to know the difference of good and bad conduct, and that they ought to practise one and avoid the other; but it is the total want of that moral instruction which impresses the young mind with a dread and shame of doing evil, and which encourages them to acts of propriety,—that fear of the superintendence of a Deity, which every religion professes to have for its object, and which ought to influence their conduct through life. In all ages there have been abandoned profligate characters, who have committed depredations on the public, and their numbers have been greater or less according to the wisdom or weakness of the Government.

Para. 6. Under the Hindoo dominion, the ranks and professions of men were classed into 36 casts, and the individual of each was obliged to learn and follow the profession of their ancestors: by this establishment each individual of a cast had the means of support in his own profession; these casts were under the direction of their purohits, and the punchaut, or general assembly of the cast, used to examine the conduct of the members of their society, and the consequence of their censure was sometimes a total exclusion of the guilty individual from the community.

Para. 7. No Bramin was supported by the public who was unlearned, who did not contribute his assistance in forming the minds of the lower classes, and teach them morality and the duties enjoined by laws. Under such an establishment for the instruction of the lower classes, it was not difficult to form an efficient police.

Para. 8. But the cruel reverse which the invasion of the unprincipled and bigotted Mussulman introduced, may account for the wide torrent of corruption that has overflowed this country.

Para. 9. They considered the conquered Hindoos as infidels, treated them with unrelenting persecution and cruelty: they thought, or affected to think, that every injury and insult upon them, were acts pleasing to God and their Prophet: their destructive bigotry attacked the books and learning of the Hindoos; and the Bramins, persecuted with incessant atrocities, ceased to exercise their functions; the rising generations were left to themselves, and fell into all the excesses which the example and conduct of their conquerors had pointed out to them; the spirit of despotism completed the corruption of morals, and in process of time the human mind in this country was completely revolutionised. In this manner for some centuries under the Patan Government, they continued, from want of the ancient discipline, to fall from degradation to degradation, the scorn and contempt of all their despoilers. Many of the lower ranks became converts to the Mahomedan faith, without conviction of its being more rational than what they possessed before, but because it sheltered them from the persecuting bigotry they had suffered under. But the mind experienced no rise, the stern despotism of their rulers still kept it down, and their ignorance of the language in which their new tenets were locked up, confined the practice of religion to the mere exterior forms of devotion. The Mussulmun conquerors finding it however impossible to root out the religion of the country entirely, were at last under the necessity of abating of their zeal, suffering it to remain unprotected, however, and unsupported by the authority of the Government, the Bramins themselves sinking under centuries of oppression, were too much involved in the general wreck to think of renewing the ancient discipline; their learning fell into neglect, and in course of time the Bramins came to want that instruction themselves, which it was their duty to afford to others; mixing in all the selfish squabbles of common life, they gradually lost by their own example in the eyes of the Hindoos, that respect which was so necessary to give force and energy to instruction.

Para. 10. Under the Mogul Government the Persian delegates of the Emperor being sheaks, seemed to pay little attention to the minutiæ of the Sunnee Laws: their procedure was summary, their punishments cruel and capricious; they thought terror alone sufficient to suppress and prevent crimes, but they neglected the discipline which might render such procedurs unnecessary.

Para. 11. The Persian rulers and their retainers were sheaks and strangers in the land, the subjects were either Hindoos or Sunnes: the first, in their ideas infidels, and the latter incorrigible heretics. To enforce instruction in tenets so hostile to their own faith, must have been, in their opinion, blasphemy and profanation.

(A true Extract.)

J. Paterson, Magistrate.

Moorshedabad Division.

ANSWERS to the Interrogatories respecting the State of the Country, &c.;—received from the Magistrates of this Division; viz.

Court of Appeal and Circuit - - -	25 January	1802.
City of Moorshedabad - - - -	17 March -	D°.
Zillah Rajshahye (Acting Magistrate) -	10 April -	D°.
D° - Bhangulpore - - - -	31 May -	D°.
D° - Purnea - (- - - D° - - -) -	15 January	D°.
D° - Moorshedabad - - - -	31 D° - -	D°.
D° - Rungpore - - - - - -	13 April -	D°.

TO N. B. EDMONSTONE, ESQ.

Secretary to Government in the Political Department, Cawnpore.

SIR,

IN obedience to the commands of the Honourable the Vice President in Council, communicated to us in a Letter from Mr. Secretary Dowdeswell, of date the 3d ultimo, we have the honour to transmit to you Copy of Interrogatories sent to us on the 29th of October by the Secretary to the Judicial Department, with our Replies annexed to the several points noticed therein; which we respectfully request may be submitted to his Excellency the Most Noble the Governor General.

The dispersed situation of the Members of these Courts, on various official business, and the increased duties allotted to us since we received the Interrogatories, has occasioned some delay in preparing a Report on a subject which, embracing objects of weighty and serious consideration, required the deliberate attention and collective reflection of our several Members; and we trust that this explanatory excuse will be favourably received by his Excellency.

We have the honour to be, Sir,

Moorshedabad, 26th January 1802.

Your very obedient Servants,

T. Pattle.

INTERROGATORIES from Government to the Provincial Courts of Appeal and Circuit at *Moorshedabad*, received in a Letter from the Secretary to the Judicial Department, dated 29th October 1801; with the Answers thereto, as submitted by the said Courts.

1.—What is the number of Appeals depending before your Court?

ANSWERS.—Twenty-six.

2.—What proportion does the number of Appeals now depending before your Court bear to the number of Appeals usually depending, during the several years commencing from the year 1793 to the present period?

On the 15th July 1800, the Court of Appeal submitted to the Sudder Dewanny Adawlut a progressive Statement in detail of causes filed and decided, from the period of the Court's institution in May 1793, continuing which Statement to the present time exhibits the following Report, in answer to the 2d article of Interrogatories:

Filed from May 1793 to December 1794 inclusive - -		166
D° - - - - in the year 1795 - - - -		111
D° - - - - in the year 1796 - - - -		94
D° - - - - in the year 1797 - - - -		136
D° - - - - in the year 1798 - - - -		113
D° - - - - in the year 1799 - - - -		114
D° - - - - in the year 1800 - - - -		102
D° - - - - in the year 1801 - - - -		105
		941

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Answers by the JUDGES.

Moorshedabad Division.

Court of Appeal and Circuit, 25 January 1802.

Decisions from May 1793 to December 1794 inclusive		52
D°	in the year 1795	30
D°	in the year 1796	76
D°	in the year 1797	169
D°	in the year 1798	216
D°	in the year 1799	133
D°	in the year 1800	148
D°	in the year 1801	91
		915

Depending at the end	of 1794	114
D°	of 1795	195
D°	of 1796	213
D°	of 1797	189
D°	of 1798	77
D°	of 1799	58
D°	of 1800	12
D°	of 1801	26

From the above, the inference deducible is, that the number now depending bears a very reduced proportion to the balance of causes usually pending heretofore before the Court; and but for the contingent and unavoidable circumstances, the trifling number still remaining would have been reduced to at least one-half.

3.—What number of causes was decided in the past year by your Court?

Ninety-one.

4.—What number of causes do you suppose must necessarily be depending before your Court; and what is the reason that the number of causes depending before your Tribunal is not reduced as low as you think it might be reduced?

We think, on the average of former years, about one hundred and ten causes will be filed annually; and that, barring unforeseen interruptions to the Court's duties, not more than twenty will generally remain on file; not from inability on the part of the Court to clear the whole off, but because, from the nature of the routine of general business, all the papers will not be filed in such regular and rapid progression as to admit of the file being entirely cleared; and, as we think, thereby the number is now and always will be reduced as low as it can, or ought to be, all circumstances considered. We do not feel ourselves called upon to shew cause for non-reduction, under the position assumed on this Quere.

5.—Are you prepared to suggest the establishment of any rules which (consistently with the due administration of the laws) would expedite the decision of suits? Are you of opinion that the object would be in any degree promoted by leaving it optional to the different Tribunals to commit the depositions of witnesses, in causes not appealable to a higher Tribunal, to writing, or not, as the Judges might think proper?

We are not prepared to suggest the establishment of any rules which, consistent with the due administration of the laws, would expedite the decision of suits; and from the state of the Files, as exhibited by the half-yearly Reports of the several Adawluts in the division under our jurisdiction, it does not appear to us that any such rules are wanted. We are not of opinion that the object would not be in any material degree promoted by leaving it optional to the different Tribunals to commit the depositions of witnesses, in causes not appealable to a higher Tribunal, to writing, or not, as the Judge might think proper. All original causes, except such as should be entertained in a Court of Appeal, by special directions of the Sudder Dewanny Adawlut, for an amount not appealable to the Sudder Dewanny Adawlut, are appealable to some higher Tribunal.

6.—Are you of opinion that it would be advisable to extend the jurisdiction of the native Commissioners, to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding 200 rupees? What is the amount to which you would recommend the Courts of the Commissioners and of the Registers should be extended; and to what degree would the general administration of justice in the division subject to your jurisdiction, be expedited by the adoption of this arrangement?

We are not of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees. The number of causes usually depending before them, appears as great as they can be competent to decide, consistently with the due administration of justice. In some zillahs, the number is already so great, that the general administration of justice must be impeded by adding thereto. We think, that while the amount appealable to the Sudder Dewanny Adawlut continues fixed at 5,000 R^s, the jurisdiction of the Registers might be advantageously extended to 300 R^s, with appeal to the Judge. Not because we conceive that the general administration of justice would in any degree be expedited by the adoption of this arrangement, but because it would relieve the claimants to small debts from much personal trouble and vexation, by giving them the benefit of a local appeal to the Judge's Court, and preventing their being harassed by appeals to a distant Tribunal.

7.—Has

No. 4.

Answers by the JUDGES.

Moorshedabad Division.

Court of Appeal and Circuit, 25 January 1802.

7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider the several charges attending the institution of lawsuits to be too considerable, or otherwise?

The increased expense of lawsuits has never been found to check litigiousness; on the contrary, it has been generally observed, that litigiousness is encouraged thereby, in the hope that the certainty of the expense, added to the uncertainty of the result, might deter parties from defending even just rights. On comparing the half-yearly Reports of the several Adawluts in this division, it does not appear that the number of suits filed since the establishment of the fee paid to Government on the institution of suits, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties, differs much from the number filed in a similar period previous thereto. As the fees paid to the vakeels were established by the same code of Regulations as our Court, we have no records to shew what was the previous state of litigation. We certainly consider these several charges attending the institutions of lawsuits to be sufficiently heavy in all cases, and in small suits too considerable.

8.—Do the fees paid to the licensed vakeels, on suits instituted or defended by them, constitute a sufficient inducement to men of character, and of proper qualifications, to undertake those situation? Are the vakeels attached to your Court persons of the above description; and are they, in general, well acquainted with the printed Regulations?

From the numerous and earnest applications made to us on every occasion of a vacancy among the licensed vakeels, we are of opinion that the fees paid to them, on suits instituted or defended by them, constitute a sufficient inducement to men of character, and of proper qualifications, to undertake the situations. The vakeels attached to our Court are persons of the above description, and are, in general, well acquainted with the printed Regulations.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

The establishment of licensed vakeels can in no manner expedite the decision of suits in appeal; nor can the vakeels be of any assistance in bringing before the Court the merits of any suit, either more speedily or more accurately. Each suit is heard in its numerical order, and its merits come before the Court in the record from the original Tribunal.

10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity?

The vakeels attached to our Court do in general appear to us to discharge their duty to their clients with honour and fidelity.

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

If by the laws of the country be meant the Koran and Shaster, the principal inhabitants of our jurisdiction are as well acquainted with the code of their respective religions as individuals in general can be supposed to be informed. If the Regulations of Government be also meant, we believe that they are known to few, except the vakeels and ministerial officers of the Courts, and some principal landholders.

12.—Are you prepared to state any alterations in the forms established for the trial of civil suits, which would expedite the decision of the suits, without endangering the due administration of the laws?

We are not prepared to state any alterations in the forms established for the trial of civil suits. On the comparison of the date of institution with the date of decision in most suits in the several zillahs under our jurisdiction, the decision appears to be as expeditious as is consistent with the due administration of the laws.

13.—Have you in your Court-room any place allotted for the bench of the Judges, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms and ceremonies do you observe in opening your Court, or sitting in it?

We have in our Court-room places regularly allotted for the bench of the Judges, on a platform raised considerably; also a seat for the Sheristadar and the Company's Vakeel, stools for the pleaders to sit upon, when not concerned in the suit trying, and fixed places allotted for the parties, their vakeels, the witnesses and officers of Court. The whole remaining space of the Court-room is open to all persons who attend the Court, either from business or curiosity. We observe no particular forms and ceremonies in opening the Court and sitting in it, except the ceremony of taking our seats on the bench according to our respective ranks, and the form of calling on the business in its regular rotation.

14.—Are there any private schools or seminaries in the division under your jurisdiction, in which the Mahomedan or Hindoo law is taught, and how are those institutions maintained?

As we understand this Interrogatory has been sent to the Zillah Judges (who are certainly, from fixed residence, more competent than we can be from passing cursorily through the Moffussel) to report what private schools and seminaries there may be in their several districts)

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districts) we have not thought it necessary to require them to report to us for the purpose of forming an answer, but we beg leave to refer to the information they may give in reply.

15.—What is your opinion regarding the general moral character of the inhabitants of your division? Has the moral character of the inhabitants in general been improved, or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

The general moral character of the inhabitants of our division seems, in our opinion, much the same as we have always known the moral character of the natives in general. Ignorance, and its concommitant, gross superstition; an implicit faith in the efficacy of prayers, charms and magic; selfishness, low cunning, litigiousness, avarice, revenge, disregard to truth, and indolence; are the principal features to be traced. It does not strike us that the system established by the British Government, for the administration of the laws and for the conduct of the internal administration of the country, can have any influence on the moral character of the inhabitants in general, either by way of improvement or otherwise.

16.—Are you of opinion that the inhabitants in general of the division under your jurisdiction, consider their private rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

From what comes under our observation we are of opinion, that the inhabitants of this division consider their private rights and property to be secured by the present constitution of the country against all infringements, either by individuals, or by the executive officers of Government, and even by the supreme executive authority itself. But a question arises, whether this very security, and the ease with which they can prosecute the first executive officers of Government, may not induce a contempt of the Government itself. Individuals have now no other mode of encroaching on one another's rights, excepting by harassing one another through the forms of law in our civil and criminal courts, and of this weapon of revenge they seem to make a free use.

17.—Are you of opinion that the division under your jurisdiction is in a state of improvement, or otherwise, with respect to its population, cultivation, and commerce, and its buildings, or other works, for religious, domestic, or other purposes; and on what grounds do you form your opinion?

The face of the country shews much improvement in population and cultivation. We see no trace of increased commerce, nor of improvement in buildings, and other works, for religious or domestic or other purposes. Individuals may occasionally build a temple or dig a tank for public use, but similar endowments of former days are at the same time going to decay. Opulence itself seldom tempts to any improvement in domestic comforts. We form our opinion from what comes within our personal observation during our official circuits and occasional journeys for business or recreation, and on the conversation of well-informed natives.

18.—Are you of opinion that the inhabitants of the division subject to your jurisdiction are in general satisfied with the British Government?

From what we know of the general character of the natives, we are of opinion, that however satisfied they must be, from the greater security which they now enjoy in their persons and property, than what they ever enjoyed under the former government, no reciprocal affection (correspondent attachment) is produced in them to the British Government, or gratitude for such security; but they would see a revolution with apathy and indifference, and would submit to the tyranny of any future government with perfect resignation. The descendants of the higher classes of Mussulmans may be conceived dissatisfied with the Government itself, as the cause of their losing all share in the executive administration.

19.—Is the present system of police well calculated to insure the apprehension of offenders?

From the great number of offenders brought annually to trial, it would appear that the present system of police is well calculated to insure the apprehension of offenders. We would at least hope, for the honour of human nature, that when the black catalogue of offenders apprehended is so large, few have escaped apprehension.

20.—Are the police establishments in the division subject to your jurisdiction adequate to the duties required of them?

Considering the prevention of crimes to be one of the objects of police establishments in the division subject to our jurisdiction, they are certainly not adequate to all the duties required of them, nor can much in the line of prevention be expected from 10 or 15 armed men, in a jurisdiction ten coss square in extent, which comprizes upwards of four hundred square miles. In former addresses to the Nizamut Adawlut and to the Committee of Police, we have occasionally recommended an increase in these establishments. But no government ever did or ever can defray the whole charge of police; much gratuitous assistance is necessary, and is enforced in all governments. By the old constitution of this country many castes and classes were bound to co-operate with the executive officers of police.

21.—Are

No. 3.

Answers by the JUDGES.

Moorshedabad Division.

Court of Appeal and Circuit, 26 January 1802.

21.—Are you of opinion, that the number of crimes committed annually in the division under your jurisdiction, has increased or diminished since the year 1793; and to what cause do you ascribe this increase or diminution?

The criminal jurisprudence of these provinces was assumed by the British Government in December 1790. The number of persons tried by the original Court of Circuit from that time till the institution of our court in May 1793, was 2,181. This list included several persons already in custody, but untried, during the Naib Nazim's administration. The following is the annual comparison of the prisoners tried by our Court, from the 2d Sessions of 1793 to the 1st Sessions of 1801:

One year, including 2d Sessions	1793	and	1st Sessions	1794	-	1,674
D°	-	-	-	-	-	-	D°	-	1794	-	-	-	D°	-	1795	-	1,593
D°	-	-	-	-	-	-	D°	-	1795	-	-	-	D°	-	1796	-	1,885
D°	-	-	-	-	-	-	D°	-	1796	-	-	-	D°	-	1797	-	1,578
D°	-	-	-	-	-	-	D°	-	1797	-	-	-	D°	-	1798	-	2,170
D°	-	-	-	-	-	-	D°	-	1798	-	-	-	D°	-	1799	-	2,422
D°	-	-	-	-	-	-	D°	-	1799	-	-	-	D°	-	1800	-	2,023
D°	-	-	-	-	-	-	D°	-	1800	-	-	-	D°	-	1801	-	2,201

The number of crimes committed annually in the division under our jurisdiction, appears, from this statement, to have encreased since the year 1793. The causes to which we ascribe the increase, are the want of a preventive police, and the inefficacy of imprisonment as a punishment, of either reformation or example.

22.—What crimes of enormity are most prevalent in the districts under your authority? What is the cause of the prevalence of such crimes, and what are the means you would recommend to be adopted for their suppression?

Gang robbery is the only crime of enormity prevalent in the division under our authority. The cause of its prevalence, and the means which we would recommend to be adopted for its suppression, are of too long detail to be introduced here, and may be found at full length in our joint and separate addresses to Government, and to the Nizamut Adawlut, noted in the margin.

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are supposed to be more or less dissatisfied with a revolution which annihilated their influence, and has shut them out from even subsistence, but we are not aware of any particular persons whose conduct requires to be superintended.

28.—Are you of opinion, that it would contribute to strengthen the attachment of the Natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

Titles and other marks of distinction have in all governments been found a cheap and effectual mode of rewarding merit, and of securing the attachment of subjects to their government. At the early period of British influence in India, a mode was adopted for conferring titles on the natives, and we are unacquainted with the reasons of its discontinuance or with any objection to its revival. The President at the Durbar by orders from the Governor, used to obtain the Patent of Investiture from the Nazim, which was afterwards bestowed, with a dress of honour, by the governor on the person to be ennobled. Though the honour was nominally conferred by the Nazim, the natives felt and acknowledged that it in fact came from the sole bounty of the head of the British Government. While the natives consider the sovereign at Delhi to be the source of honour, we are not aware of any preferable mode of conferring marks of distinction on them than through his nominal representative.

29.—What is the state of the roads and bridges, and other public works, in the division under your authority, and at whose expense are they kept in repair?

We conceive that the zillah Judges will report fully on the state of the roads, bridges, and other public works in their several districts. The high roads only which we travel on our circuits can come within our observation. The high road of communication, immediately through the city of Moorshedabad, is so completely out of condition as to be absolutely impassable for carriages of every description, and calls loudly for us to report it on this occasion, it is entirely cut up and full of holes, and the encroachments of the buildings in all directions hardly leave room in some places for the passage of palanquins. Our Report of the 5th July 1800, addressed to Government through the medium of the Secretary in the Revenue and Judicial Departments, is very full on the subject of the present state of the roads, bridges, &c. within the division under our authority, and treats especially (at considerable length) on the subject of not only the present condition of the roads, but also on that of keeping them in repair and making new where most requisite; as it would swell this answer materially to make extracts here, we take the liberty to refer to the Report itself for our sentiments at large on the subject of roads, bridges and other public works.

30.—How are the convicts usually employed, and is there any manner of employing them which appears to you preferable to the manner in which they are at present employed?

The convicts are at present generally, and with beneficial effect employed on the public roads; we are of opinion their services might be useful in the business of embankment, where work of that description is carried on in the immediate vicinage of their jails. Our addresses to the Nizamut Adawlut, of the 25th June 1798 and 28th of April 1800, treat in very full and most particular detail, the subject of enquiry in this Interrogatory. We take the liberty of referring thereto, for a full and complete answer as to the most appropriate mode of employing convicts, which we trust will be deemed preferable to swelling this Report beyond all bounds, by making extracts which must (to embrace the subject sufficiently) be very voluminous.

31.—What is the state of the jails in your division?

Our second Judge (who is at present on circuit, holding the second Sessions of 1801, and who has in his progress visited the jails of zillahs Bhangulpore, Purneah, Dinagepore, and Rungpore) reports in answer to reference to him, that the state of the jails in all these places is in every respect satisfactory; that they are in good repair, kept clean, and generally well attended to; and as Mr. Roche has not yet reached the Nattore station, the acting magistrate was called upon to report the state of the jail of zillah Rajeshahy, who states in consequence, that he considers the building perfectly competent to all requisite purposes; that it at present wants some trifling repairs, which may be made for about two hundred rupees; and that he has at present 586 prisoners of various descriptions. The jails of zillah and city Moorshedabad are all that remain further in our division; these have been very recently visited by the senior Judge, who, on the 21st of January, reported fully on their state to the Nizamut Adawlut, describing the former to be in the cleanest state and best possible order; and that the prisoners appeared healthy and well governed, under rules and regulations of a salutary tendency, calculated to insure order and regularity. That the officers of the city jail were not equally attentive to their duty, so careful as they might be to the preservation of the health of the prisoners, by due attention to the cleanliness of the jail; but the senior Judge had reported at the same time, that it appeared, that the city jail was constructed on a very defective and objectionable plan, and had pointedly demonstrated the necessity, that material alteration should immediately take place; and especially that drains to the different wards should be made to carry off filth of various description, and to prevent the contagion of sickness (which had greatly prevailed) extending its baneful consequences. We do not think it necessary to particularize further his report on this jail, which, if it is thought necessary, may be referred to.

32.—What

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Answers by the JUDGES.

Moorshedabad Division.

Court of Appeal and Circuit, 26 January 1802.

32.—What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character in your division, commissions empowering them to act as Justices of Peace? Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons? Would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

We are decidedly of opinion, that it would be expedient to grant to zemindars commissions empowering them to act as Justices of the Peace; and that such a measure would contribute to the suppression of crimes, and would facilitate the apprehension of offenders, by bringing to the assistance of police all the zemindarry establishments, whose cordial co-operation cannot now be expected under the orders of a tannadar, who at the head of 10 or 15 burkundesses pretends to an authority paramount to that of the landholder himself on his own estate. Some restrictions will at the same time be necessary, for preventing the zemindars from perverting the magisterial authority to the purposes of Revenue. As farmers have no permanent interest in the prosperity of the country, we apprehend that no restrictions would be sufficient for preventing their using such authority as a weapon of oppression and extortion to their own temporary benefit. We do not think that natives of even the most respectable characters are likely to be tempted to give their gratuitous labour as Justices of Peace. The jurisdiction of the zemindars should, in our opinion, be limited by the extent of their estates.

33.—Are there any new rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

After our several addresses, above quoted, we have nothing new to recommend as rules and regulations calculated for the suppression of crimes in general.

34.—What has been the operation of the last regulations, respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes, now levied on spirituous liquors, have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

We cannot conceive how the establishment of a tax on spirituous liquors should render the vice of drunkenness more prevalent than it was previously to the establishment of the tax. At the same time we have ocular demonstration, that the vice has not decreased. In Bengal, however, the vice is far from general; it is confined almost entirely to few castes and classes, and to populous towns. The bulk of the labouring poor never touch liquor.

35.—Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the division?

The moral character of a nation can be improved by education only. All instruction is unattainable to the labouring poor, whose own necessities require the assistance of the children as soon as their tender limbs are capable of the smallest labour. With the middle class of tradesmen, artificers, and shopkeepers, education ends at ten years of age, and never reaches further than reading, writing (a scarcely legible hand) on a plantain leaf, and the simplest rules of arithmetic. We are not prepared to suggest any measures, the adoption of which would, in our opinion, contribute progressively to the improvement of a people thus circumstanced.

36.—In your opinion, what has been the effect of the regulation which declares persons convicted of the crime of perjury liable to be marked on the forehead?

We do not perceive any effects from the regulation which declares persons convicted of the crime of perjury liable to be marked on the forehead. In the course of our judicial duties we still meet with the same barefaced disregard of truth which always characterize the natives of India. We are, however, of opinion, that the tenor of this stigma should be retained in our code.

37.—What has been the operation of the punishment of transportation, introduced by the British Government?

The punishment of transportation, introduced by the British Government, falls chiefly on dekoyts; and yet the crime of dekoytee has not decreased in the division under our authority; to judge, therefore, of its operation by this result, it would follow, that the punishment is of no effect, and the terror of it must daily diminish.

38.—Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or too much severity, and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

We are of opinion, that from the discretionary mode in which the Mahomedan criminal law (with the alterations of that law made by the British Government) is administered, the administration of it admits both of too much lenity and too much severity; at any rate of too much uncertainty. An offence which to one law-officer may appear sufficiently punished by a month's imprisonment, shall from another law-officer incur a sentence of three or more years. Even in the heinous crime of gang robbery, our records will shew sometimes a sentence of 14 years

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Answers by the JUDGES.

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Court of Appeal and Circuit, 26 January 1802.

transportation, and sometimes a sentence of two years confinement. The consequences which we suppose to be produced by the operation of this spirit, in which the criminal law is, in our opinion, administered, are, contempt of the law itself and encouragement to offenders. Though every criminal code must leave some discretion of punishment to the Courts, particularly in the smaller offences and breaches of the peace, yet in crimes of enormity, we think that the punishment ought to be specific; at least, that some limit should be fixed to discretion. The English law fixes it in all cases: in smaller offences, by marking the barrier, which the Court's severity shall not exceed; in more serious crimes, by specifying the bounds of the Court's lenity.

39.—In what period does the Judge, who makes the half-yearly jail deliveries, usually complete the circuit?

The half-yearly jail deliveries of the out zillahs usually occupy four months, but the completion of the circuit, after the Judges return to the Sudder station, depends upon the necessity or otherwise of his giving any of his time to the business of the Court of Appeal.

Moorshedabad, Court of Appeal and Circuit, the 25th January 1802.

T. Pattle.
R. Roche.

P. S. The completion of the Answers to the foregoing Interrogatories has been, from a great pressure of business, the necessity of distant references and other circumstances, delayed, until the period of their date; and of consequence the signatures of only two members of the Courts are annexed, as the 3d Judge was, on the 10th of December, removed from this station; but it is proper and necessary to add, that the Answers generally were prepared whilst Mr. Colebrooke was a member of these Courts, and that he contributed full co-operation and active assistance in preparing them.

T. Pattle,
Senr Judge.

G. DOWDESWELL, Esq.

Secretary to the Gov^{t}, in the Rev. and Jud^{l} Depart^{t}.

Sir,

I HAVE now the honour to forward my Reply to the several articles of Interrogatories which accompanied your Letter of the 29th of October last.

I am, Sir,
Your most obedient servant,
N. Sturt,
J^{ge} and Mag^{te}.

City Moorshedabad, the 17th March 1802.

REPLY of the JUDGE of the City of MOORSHEDABAD, to sundry Interrogatories, received from the Secretary to Government in the Revenue and Judicial Department; with his Letter, under date the 3d of December 1801.

Answer to the 1st Paragraph.—The number of causes now depending before me, the Register, and before the native Commissioners, are as follow:

Before the Judge	115
Before the Register	189
Before the Commissioners	87
TOTAL	391 Causes.

Answer to the 2d Paragraph.—From a reference to the several Reports of my predecessor in office, I find the following statement of causes filed and decided, commencing from 1793 to the present period, and which Reports are submitted every six months to the Sudder Dewanny Adawlut and Court of Appeal, filed in the year 1793; viz.

	Before the Judge	391	
	Former balance	192	
			583
Decisions in the year 1793, viz.	By the Judge	352	
Depending at the end of 1793	Before the Judge	231	
Filed in the year 1794	Before the Judge	598	
			839
Decisions in the year 1794	By the Judge	513	
Depending at the end of 1794	Before the Judge	316	
Filed in the year 1795	Before the Judge	152	
	D^{o} Register	69	
			221
			537

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Answers by the JUDGES.

Moorshedabad Division.

City Moorshedabad, 17 March 1802.

Decisions in the year 1795	By the Judge	80		
	D° Register	35		
			115	
Depending at the end of 1795	Before the Judge	388		
	D° Register	34		
			422	
Filed in the year 1796	Before the Judge	307		
	D° Register	187		
			494	
				916
Decisions in the year 1796	By the Judge	150		
	D° Register	36		
			186	
Depending at the end of 1796	Before the Judge	545		
	D° Register	185		
			730	
Filed in the year 1797	Before the Judge	71		
	D° Register	115		
	D° Commissioners	240		
			426	
				1,156
Decisions in the year 1797	By the Judge	146		
	D° Register	211		
	D° Commissioners	197		
			554	
Depending at the end of 1797	Before the Judge	123		
	D° Register	424		
	D° Commissioners	55		
			602	
Filed in the year 1798	Before the Judge	205		
	D° Register	237		
	D° Commissioners	212		
			654	
				1,256
Decisions in the year 1798	By the Judge	243		
	D° Register	601		
	D° Commissioners	195		
			1,039	
Depending at the end of 1798	Before the Judge	86		
	D° Register	59		
	D° Commissioners	72		
			217	
Filed in the year 1799	Before the Judge	219		
	D° Register	200		
	D° Commissioners	219		
			683	
				855
Decisions in the year 1799	By the Judge	188		
	D° Register	195		
	D° Commissioners	223		
			606	
Depending at the end of 1799	Before the Judge	117		
	D° Register	64		
	D° Commissioners	68		
			249	
Filed in the year 1800	Before the Judge	167		
	D° Register	188		
	D° Commissioners	403		
			758	
				1,007
Decisions in the year 1800	By the Judge	205		
	D° Register	119		
	D° Commissioners	366		
			690	

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City Moorshedabad, 17 March 1802.

Depending at the end of 1800	Before the Judge	79		
	D° Register	133		
	D° Commissioners	105		
				317
Filed in the year 1801	Before the Judge	144		
	D° Register	197		
	D° Commissioners	386		
				727
				1,044
Decisions in the year 1801	By the Judge	108		
	D° Register	141		
	D° Cominissioners	404		
				653
Depending at the end of 1801	Before the Judge	115		
	D° Register	189		
	D° Commissioners	87		
				391

From the above, it appears, the number of causes now depending bear a very small proportion, compared to the heavy balances of causes which were exhibited, in former years.

Answer to the 3d Article of Interrogatories;—viz. the number of causes decided in the past year, are as follows:

By the Judge	205	
D° Register	119	
D° Commissioners	366	
		690

Answer to the 4th Article of Interrogatories.—Taking the general average of former years, I do not think the number of causes annually filed by the Judge, can ever exceed 120, or at the most 130; the Register, 190; and Commissioners, about 200; and in my opinion, the number is, at this present time, reduced as low as it is ever likely to be, even under the most favourable circumstances.

Answer to the 5th Article of Interrogatories.—I am not prepared to suggest the establishment of any rules, which, consistent to the due administration of the laws, would expedite the decision of suits, unless the number of witnesses could be limited; that instead of citing, as is the case at present in most causes, from fifteen to forty witnesses, never to exceed six, or at the most, ten; this would, in my opinion, tend to facilitate the object of an early decision. I am not of opinion that this object would be promoted by leaving it optional in the different tribunals to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing, or not, as the Judges might think proper; the only causes not appealable to a higher tribunal from this Court, are those appealable from the decisions of the Commissioners.

Answer to the 6th Article of Interrogatories.—I am clearly of opinion, that it would not answer any good purpose to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and, consistently with the due administration of justice, I conceive they ought not to be vested with superior authority beyond that now authorized; that any extension would not accelerate the course of justice; but with respect to the jurisdiction of the Registers, I am of opinion it might be beneficially extended to 300 rupees, subject to appeal to the Judge; and as the City Court and the Court of Appeal are the same in point of local residence, an appeal to that tribunal should remain unaltered.

Answer to the 7th Article of the Interrogatories.—On a reference to the several annual Reports of this Court, it does not appear that litigation has decreased; and notwithstanding the establishment of fees paid by Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Court of Judicature, and of the stamp duties, it has not in any degree checked this disposition of the natives, naturally prone to litigation. I am of opinion, the present charges attending the institution of lawsuits, is an equitable and just proportion of the fees and charges to which they are liable, and that any diminution of the present established charges on the institution of suits, would assuredly encourage litigation, and, consequently, personal inconvenience to individuals.

Answer to the 8th Article of Interrogatories.—I am perfectly convinced, from the applications I have received from men of respectable characters, that the fees paid to the licensed vakeels, on suits instituted, for men of ability and qualification to undertake the duties of that situation, that they are men, generally speaking, not only well acquainted with the Regulations, but men of liberal education, and possessing talents equal to the discharge of their functions.

Answer to the 9th Article of Interrogatories.—I certainly am of opinion that the establishment of licensed vakeels, from their knowledge and strict observance of the Regulations, greatly assist in bringing forward and expediting the decision of suits, as far as regards the

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Answers by the JUDGES.

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City Moorshedabad, 17 March 1802.

Zillah and City Courts; but with respect to the merits of a cause pending, they cannot, in any degree, influence the judgment of the Court in any suit, the merits of which must be determined, after hearing the deposition of both parties, by the Judge himself.

Answer to the 10th Article of Interrogatories.—The vakeels attached to this Court have, in no instance that has come to my knowledge, deviated from a proper discharge of their duty to their clients, with honour and fidelity.

Answer to the 11th Article of Interrogatories.—I believe that the knowledge of the laws of the country, as far as regards religion, the principal inhabitants of the city jurisdiction are as well acquainted with the tenets of their respective religions, as individuals in general can be supposed to be informed.

Answer to the 12th Article of Interrogatories.—I am not prepared to state any alterations in the form established for the trial of civil suits; the regulations now in force, are, as I conceive, fully calculated to promote an expeditious decision.

Answer to the 13th Article of Interrogatories.—In the Court-room there are places specially appointed for the Judge, for the public officers, for the parties concerned in all suits pending; and any other persons have access to the Court whenever curiosity or other motives lead them to appear. There are no other forms or ceremonies observed in opening the Court, except when seated on the bench, and the form of calling for such causes as appear in numerical order.

Answer to the 14th Article of Interrogatories.—There are a few schools or seminaries in the city under my jurisdiction, where the Hindoo and Mahomedan laws and the native languages are taught. Some are supported by individuals, and others, according to the means and ability of their respective relations.

Answer to the 15th Article of Interrogatories.—The general moral character of the inhabitants of the city under my jurisdiction, differs very little from those I have observed and experienced to be the moral character of the natives in general. I do not wish to introduce an opinion here but what could be founded on more local information than I can possess, from the very short period of my residence at the station, or where I could not render my remarks more perfect and authentic than I feel I am at present competent to do.

Answer to the 16th Article of Interrogatories.—I am most decidedly of opinion, from general observation, and since I have had the honour of filling the magisterial and judicial authority of this city, that every description of inhabitants consider their private rights and property amply secured by the present constitution of the country against infringement, and that they daily become more convinced and confident of the efficacy of those laws, by which they enjoy so much liberty and protection in the security of their persons, and property.

Answer to the 17th Article of Interrogatories.—With regard to whether I am of opinion that the city, under my jurisdiction, is in a state of improvement or otherwise, with respect to its proper population and commerce, and its buildings or other works for religious, domestic, or other purposes; from the short period of my residence in this city, I am little able to form a just and accurate opinion on a subject which requires so much local experience. It would, however, appear that commerce has not increased, nor can I trace any appearance of buildings or other works that can at all come under the description alluded to. Population has certainly decreased, and which can only be attributed to the malady which so frequently afflicts this city. This year, I am happy to observe, mortality bears no sort of comparison to former seasons; on the contrary, it is generally acknowledged to be unusually healthy.

Answer to the 18th Article of Interrogatories.—As no people, in my opinion, ever enjoyed greater security in their property or persons, it is natural to conclude that they must be satisfied with the British Government; but from the peculiar disposition of the natives, I do not think them capable of that attachment and affection to the British Government, which gratitude alone, for the benefits they acknowledge to experience, ought to produce.

Answer to the 19th Article of Interrogatories.—I am of opinion, that the present system of the police regulations are well calculated to ensure the apprehension of offenders. This is satisfactorily proved by the number of them brought in and committed to take their trials before the Court of Circuit.

Answer to the 20th Article of Interrogatories.—I am of opinion, that the establishment of armed men attached to each darogah in the city subject to my jurisdiction, is not adequate to the duties required of them.

Answer to the 21st Article of Interrogatories.—From a reference to the number of crimes committed, commencing from the year 1793, the period when the British Government assumed the criminal jurisprudence of these provinces, I have no hesitation in giving it as my opinion, that the number of crimes is diminished; and which can only be ascribed to the salutary effects of the present police regulations, and to the active co-operation of the several officers in that department.

Answer to the 22d Article of Interrogatories.—Gang robbing is the only crime of enormity prevalent in the city under my authority. These crimes, though not suppressed, yet robberies, and other breaches of the peace, are less frequent than they were.

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Answer to the 23d Article of Interrogatories.—I have seldom observed that the lower classes of natives retain any other arms in their habitations than bamboos and bludgeons; the superior class keep swords and daggers, and which can only be considered an appendage of dress, and only used for that express intention.

Answer to the 24th Article of Interrogatories.—From every information I have been able to obtain from men of intelligence, the proportion that the Hindoo bear to the Mahomedan inhabitants in the city subject to my authority, would appear to be about two to one; and the number of inhabitants, from former calculation, may be computed at this time to 35,000 men, women, and children, actually residents of the city.

Answer to the 25th Article of Interrogatories.—The Nawaub Jennaub Ally holds the first rank in Bengal, but those possessing the greatest opulence in the city under my jurisdiction are too numerous to be particularized. The following stand very high, with regard to wealth and property: Rajah Davy Sing, Rajah Mahonund, Rajah Lokenaut, Juggit Seit. There are many bankers, possessing very considerable property. With respect to the number of followers, this invariably depends on their rank and situation in life. The Nawaub of this city, on all occasions of visits of ceremony, appears with several followers, armed, according to the custom of the country, with matchlocks and tulwars: he has, independent of these, a battalion of sepoys, consisting of 800 men; these also attend him during his visits of ceremony; and I suppose he has not less than 2,000 men of every description, maintained and supported by himself.

Answer to the 26th Article of Interrogatories.—I do not know of any persons in the city subject to my authority, supposed to be disaffected to the British Government, nor have I had cause to suspect any whose conduct requires superintending.

Answer to the 27th Article of Interrogatories.—I am of opinion, that conferring marks of honour and distinction on the natives of India, by the British Government, would contribute to strengthen their attachment to that Government.

Answer to the 28th Article of Interrogatories.—The road from the Choke to the Aufzoolbang gateway has lately been made with burnt brick, and is in good repair. The convicts were employed on this work, and the expense defrayed by private subscription. From Aufzoolbang gateway to the cross road leading to Moidapore, Calcapore, and Berhampore, a distance of four miles, the convicts of the zillah and city jail were employed in raising that part of the road; but as it is much frequented at all seasons of the year, being the high road to Calcutta, it was afterwards covered with burnt brick, and the work performed at the expense of Government, and cost one thousand two hundred rupees: the road continues in excellent repair. From the above-mentioned cross roads to the Berhampore cantonments, Government made a very excellent road with burnt bricks, which also continues in very good repair. The cross road leading from Moidapore to Calcapore, is in tolerable good repair, and has been kept up by the present resident at Cossimbuzar, at his own private expense. There is a road on the eastern side of the Bagzeratty, from the Bamoncah, which goes at the back of the city, joining the first road at the Feelhannah, about a mile and a half to the southward of the Choke: this road, on my taking charge, I found very much out of repair; and as it is in the dry seasons much frequented by traders, &c. transporting their goods from Bugwangolah, and the troops frequently made this road the route, when marching to the westward, it appeared of so much consequence, I gave orders to put it into a proper state of repair, and employed 200 convicts from this jail, without putting Government to any additional expense: the road is now nearly completed in some places. Some channels have been cut to carry off the water, an estimate of which was sent to Government, and approved.

The road on the western side of Boggerutty river was formerly in good repair, and Government have authorized putting it in a proper state.

The only bridge within my jurisdiction is the Bamoncah; this was repaired at the expense of Government, according to an estimate sent in by my predecessor.

Answer to the 29th Article of Interrogatories.—The convicts in the city jail are usually employed on the public roads, as far as the jurisdiction of this city extends; and as the intention of sentencing prisoners to hard labour is to operate as an example to others as well as a punishment to them, to preserve their health, and induce habits of industry; at the same time it appears to me proper, that the work, if practicable, and at no considerable distance from the jail, cannot be better attained, than by employing the convicts in making good roads; and I am not aware of any other better mode that could be adopted.

Answer to the 30th Article of Interrogatories.—On the 8th of January 1801, my predecessor submitted to the Right Honourable the Governor General in Council, a plan and estimate of a new jail, which was accordingly approved. This jail consists of six thatched bungalows, capable of containing seven hundred convicts, and those confined for debt: the sum authorized by Government for its erection, amounted to S.R^{s} 6,716, a sum by no means adequate to render the work so complete as such a building required. I cannot but consider their being thatched, particularly objectionable. It is also, in my opinion, very defective in other essential points, as far as regards the convenience and health of the convicts, and which I shall make the subject of a separate Report to Government.

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Answer to the 31st Article of Interrogatories.—My predecessor having already addressed Government, as well as the Committee of Police, on this particular article of Government Interrogatories, I am not at present prepared to offer any rules and regulations better calculated for the suppression of crimes in general, than those already suggested by my predecessor.

Answer to the 32d Article of Interrogatories.—I am of opinion, that the operation of the last regulation, respecting the tax on spirituous liquors, with regard to the vice of drunkenness, has certainly tended to check, in some degree, this propensity in the city under my jurisdiction; I certainly observe this vice is by no means general, and that it is merely confined to the lower and very inferior classes of people.

Answer to the 33d Article of Interrogatories.—The moral character of the city under my jurisdiction might be greatly improved, if education were more general; at present, this is confined to the higher and middle class of tradesmen.

Answer to the 34th Article of Interrogatories.—With respect to the effect of the regulation, which declares persons convicted of the crime of perjury liable to be marked on the forehead; this punishment has only in one instance been inflicted, as appears from the records. I am of opinion, this code in the regulations ought to remain in force; and that although the stigma may be little regarded at present, I think the apprehension of such a punishment calculated to render this crime much less frequent.

Answer to the 35th Article of Interrogatories.—The punishment of transportation introduced by the British Government, as far as my observation, from the short period I have had the situation of Magistrate of this city, enables me to judge, I am most certainly of opinion, that this punishment has produced the best effects; that it is much dreaded; that convicts once sentenced to confinement, however long the period, never desert; that crimes of enormity are less prevalent; and which I can only ascribe to the serious impression this punishment has generally produced in the minds of decoiters, and other gang robbers.

Answer to the 36th Article of Interrogatories.—I am opinion, that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered, in some cases, with much lenity, but by no means with too much severity; that the operation of those laws have most certainly contributed to the happiness and protection of the lives and property of individuals; that crimes of every species is much less prevalent since those laws were introduced, than at any former period of the native Government.

Answer to the 37th Article of Interrogatories.—With respect to the nature of the general conduct of the Europeans, not in the service of the Company, who reside within my jurisdiction, there are only two of the description alluded to; viz. Mr. Holst, who has been permitted, with the sanction of Government, to continue in charge of the Dutch factory at Calcapore; and a Frenchman, also resident at Calcapore, whose sole occupation is that of a confectioner, and who is, I understand, a quiet sober character.

Answer to the 38th Article of Interrogatories.—The general condition of the weavers and manufacturers in my jurisdiction, is, I understand, equal to the prospect of advantages to be derived from such professions; no complaint of any description, in which these people were concerned, has ever, since my residence here, been preferred against them, for any default or nonperformance of their engagements. The existing laws and regulations I conceive well calculated to insure the most ample justice to the weavers and manufacturers, in their dealings with the officers of the Company, and with private European merchants; as also for enabling the officers of the Company, and the individual European, to obtain from the weavers and manufacturers the punctual performance of all contracts into which they may engage.

N. Sturt,
Judge & Magte.

To GEORGE DOWDESWELL, Esq.
Secretary to Government in the Judicial Department, Fort William.

Sir,

I HAVE the pleasure to submit to you, for the information of the Honourable the Vice President in Council, my Answers to the Interrogatories enclosed in your Letter of the 29th October last.

Illness prevented my attending to the duties of my station from the 23d November to the 1st January; during which time, there being no assistant, the business fell much in arrears; and since my recovery, it has required my constant attendance, from nine in the morning till six in the evening, to reduce them. I trust the Honourable the Vice President in Council, on a consideration of the heavy duties of this district being entrusted solely to me, will acquit me of any want of attention to the orders of Government, or negligence in the performance of them.

I am, Sir,
Your obedient Servant,
C. Græme, junr,
Acts Judge & Magte.

Z. Rajshahy, Judl Dept, the 10th April 1802.

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Answers by the JUDGES.

Moorshedabad Division.

Zillah Rajshahy, 10 April 1802.

INTERROGATORIES to the Zillah Judges and Magistrates.

1.—What is the number of causes now depending before you, before your Register, and before the native Commissioners?

ANSWERS.—The number of causes depending in this Court to the 31st December 1801, before the Judge, Register, and Commissioners respectively, are as follows:

In the first instance, before the Judge	129	
In appeal from decision of the Register	46	
In appeal from the decision of Commissioners	78	
		253
Before the Register	352	
Before the Ameens	498	
		850
Before Munsiffs and Arbitrators		12,265
Total		13,368

2.—What proportion does the number of causes now depending before the three tribunals of the Judge, the Register, and the native Commissioners, bear to the number of causes usually depending during the several years, commencing from the year 1793 to the present period?

From the year 1793 to the end of 1796, all causes that were depending before the Judge, Register, and native Commissioners, in their capacity of Referees, were reported in the aggregate; consequently it cannot be easily ascertained what number of causes were exclusively depending before each of those tribunals during those years. Since the receipt of the form from the Sudder Dewannee Adawlut, dated the 22d September 1797, the account of causes depending and decided by each tribunal respectively, has been separately reported. The following is the proportion of the number of causes now depending, jointly, before the Judge, Register, and native Commissioners, in their capacity of Referees, to the number of causes depending before them during the several years from 1793 to the end of 1796.

	Depending in 1793.	Depending in 1801.	Difference in each year.
1793	4,592	1,103	3,489
1794	1,630	D°	527
1795	1,817	D°	714
1796	3,500	D°	2,397

Before the Judge exclusively,

	Depending in 1797, 98, 99 & 1800.	Depending in 1801.	Difference in each year.
1797	201	253	52
1798	214	—	39
1799	217	—	36
1800	228	—	25

Before the Register,

	Depending in 1797, 98, 99, & 1800.	Depending in 1801.	Difference in each year.
1797	2,924	352	2,572
1798	2,776	—	2,424
1799	625	—	273
1800	456	—	104

Before the Commissioners, in their capacity of Referees,

	Depending in 1797, 98, 99 & 1800.	Depending in 1801.	Difference in each year.
1797	533	498	53
1798	569	—	71
1799	639	—	141
1800	588	—	90

Before the Commissioners, in their capacity of Referees and Arbitrators,

	Depending in 1796, 97, 98, 99 & 1800.	Depending in 1801.	Difference in each year.
1796	1,198	12,265	11,067
1797	3,288	—	8,977
1798	4,543	—	7,722
1799	4,674	—	7,591
1800	13,658	—	1,393

3.—What

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Moorshedabad Division.

Zillah Rajshahy, 10 April 1802.

3.—What number of causes was decided in the past year by you, by your Register, and by your native Commissioners?

The number of causes decided by the Judge in the past year, including appeals from the decision of the Register and native Commissioners, is - - - - 139

By the Register - - - - - - - -	511
By native Commissioners - - - - -	17,497
Total - - -	18,147

4.—What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the native Commissioners; and what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced?

It is difficult to determine what number of causes must necessarily be depending before the Judge, Register, and native Commissioners; but the reason why that number depending before those tribunals respectively is not reduced, is because the plaintiff and defendant seldom trouble themselves further about their causes after the answer is filed. A long period perhaps elapses before the cause is brought on again, when a further time is required for filing the reply, rejoinder and vouchers, and summoning the witnesses. Were the parties, on the institution of a suit, to furnish their vakeels with the necessary information to enable them to plead, and the cash for the payment of fees on vouchers, &c. the number of causes would speedily be reduced.

5.—Are you prepared to suggest the establishment of any rules which (consistently with a due administration of the Laws) would expedite the decision of suits? Are you of opinion that this object would be in any degree promoted by leaving it optional in the different tribunals to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing, or not, as the Judges might think proper.

No better mode of expediting the decision of suits suggests itself at present, than a strict adherence to the 10th Section of the 4th Regulation of 1793, as far at least as relates to the plaintiff; for it too frequently happens that, after the institution of a suit, the plaintiff returns to his house without enquiring what more is to be done, and without furnishing his vakeel with the necessary documents, or cash to pay the fees for the carrying into execution the orders of the Court. Some positive order should also exist in the event of the defendant not answering the complaint within the period allowed by the Court for that purpose; as it is not uncommon in this zillah, for defendants purposely to withhold their answers, in order, that when the cause is brought before the Court, they may gain a little more time, by requiring the cause to be postponed to a future day, for the answer. Others again keep their answer back, in the hope that, as it has not been filed in the given time, the plaintiff will be called upon for his proofs by a certain date; and as evidence is generally required to substantiate the validity of the documents, a further period must necessarily be allowed; so that the defendant, having seen the documents brought forward to support the plaintiff's claim, makes out his answer accordingly, and files it before the arrival of the plaintiff's witnesses. But in order to make good what is set up in the defence, it too often happens that he is obliged to forge documents and suborn evidence to prove them. No other means of preventing this suggests itself to me, than not admitting of the defendant's answer after the plaintiff has been called upon for his vouchers. This may be liable to strong objections, but no better mode offers. Leaving it optional with the Judge to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing, does not appear to me to be a means of expediting the decision of suits; on the contrary, it appears to me very objectionable, and may be the means of causing the Judge more trouble and time than taking the deposition would.

6. Are you of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding 200 S.R[s]; what is the amount to which you would recommend the jurisdiction if the Courts of the Commissioners and of the Registers should be extended; and to what degree would the general administration of justice, in the district subject to your jurisdiction, be expedited by the adoption of this arrangement?

I am of opinion that it would not be advisable to extend the jurisdiction of native Commissioners to suits for sums exceeding 50 rupees; because, by the 3d clause of the 5th Section of the 40th Regulation of 1793, the Commissioners are to be appointed of proprietors of land, farmers, tehseeldars, &c. all of whom have their own concerns to attend to, and who make the decision of Courts a secondary consideration. Besides which, it very frequently happens, that when a man has a complaint, for 40 odd rupees, he chooses rather to pay the fees on an addition, to make the sum above 50, than allow his cause to be made over to the Commissioners. I therefore conceive the natives are either not confident of the Commissioners making an impartial investigation, or expect more speedy justice in a superior Court. I am myself a Register, and it would ill become me to speak in favour of extending the jurisdiction of the Register's Court to sums exceeding 200 R[s], therefore I trust Government will excuse my giving my opinion on that subject.

7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits

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in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of lawsuits, to be too considerable, or otherwise?

By the establishment of the fees paid to Government on the institution of suits, &c. vexatious and groundless complaints are, in my opinion, considerably checked; and, indeed, from the amount of the fees required, many are prevented from want of means from bringing their just complaints before the Court. It is true, that agreeable to the 46th Regulation of 1793, those who have not the means are at liberty to sue as paupers, previously establishing their inability on oath, and by the evidence of two witnesses. It is said, that amongst those there are many who have only the necessary utensils for cooking, and a house or two to shelter themselves and family from the inclemency of the weather; and therefore they conceive, that even with this small property, they cannot make oath of their inability. I have never met with any person so scrupulous in this district; on the contrary, I have, in general, found men too apt to swear to any thing to gain their points. However, it is said, that men of the above description, being unable to borrow the necessary sum, prefer keeping what little they have got, to the chance of losing the whole by a decision being given against them. Others again are men who have been in flourishing circumstances, but now, though reduced to beggary, rather give up their just claims than submit to the disgrace of swearing to their own inability. Those who are opulent do not like to complain for small sums, because the fees exceed the amount of their demand; and even though the cause be decided in their favour, they run the risk of losing not only the original, but also as much again in fees, owing to the poverty of the defendant.

8.—Do the fees paid to the licensed vakeels, on suits instituted or defended by them, constitute a sufficient inducement to men of character and of proper qualifications to undertake those situations? Are the vakeels attached to your Court persons of the above-mentioned description; and are they in general well acquainted with the printed Regulations?

The fees paid to licensed vakeels, on suits instituted and defended by them, is a sufficient inducement for men of character and education to undertake the situations; but now the number of causes brought into Court are comparatively so few to those of former times, that the profits are not very considerable; therefore men of the above description are not willing to undertake the situation of an authorized pleader. A small portion of the vakeels attached to this Court are men of character and education, and are well acquainted with the Regulations.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

The establishments of licensed vakeels must certainly contribute to expedite the decision of suits, because the chief employment and means of livelihood of the greater part of them depend on their attention to the business of this Court.

10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity?

As no complaints have ever been made in this district against any of the authorized vakeels, it is to be presumed they discharge their duty to their constituents with honour and fidelity, to the best of their ability.

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

The principal inhabitants of this district appear to have a tolerable knowledge of the laws of the country, but find themselves occasionally perplexed by the frequent modification and revision of long standing regulations.

12.—Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

I am not prepared to suggest any new forms for the trial of civil suits.

13.—Have you, in your Court-room, any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court, or sitting in it?

In the former Court-room in this district, there were separate places for the Judge, public officers of the Court, the parties or their vakeels, and for the witnesses; the rest of the room was open to every one; but that Court-house was burnt down in 1795, since which the Court has been held in a bungalow belonging to the late Judge, in which there is merely a platform railed round, on which the Judge sits, and admits the public officers, the parties, or their vakeels, and the witnesses. No particular forms or ceremonies have been observed, either at opening or sitting in Court.

14.—Are there any private schools or seminaries in the district under your jurisdiction, in which the Mahomedan or Hindoo law is taught, and how are those institutions maintained?

There are no private schools or seminaries in this district, but a Mussulman who holds some land attempted to found a college, for the maintenance of which he wished a grant of a thousand begahs of his own talook from Government, as lakeraige, at the same time

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time not demanding or wishing any deduction to be made in the revenue already assessed on his estate. For the above purpose, he presented a petition to the Collector, to be forwarded to the Board of Revenue, who not approving of the prayer of the petition, refused to comply with it. The idea of founding the college fell to the ground.

15.—What is your opinion regarding the general moral character of the inhabitants of your district? Has the moral character of the inhabitants of your district in general been improved, or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

The period of my residence in the country does not enable me to judge of the moral character of the natives in this district at this period, comparatively with that of a more distant one; but from their morals at present, I conceive they must have been bad indeed if they were ever worse, for I do not believe it is possible to meet with a set of men more addicted to crimes in general, and perjury in particular, than are the inhabitants of this district.

16.—Are you of opinion that the inhabitants in general of the district under your jurisdiction, consider their private rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

The inhabitants in general in this zillah, being themselves addicted to every vice, suspicious of each other, and ever ready to violate their faith when interest is in view, judge of others from themselves, and place but little reliance on the security of their own property, from the infringement of the supreme executive authority, and therefore cannot be supposed to have much confidence in the executive officers of Government, or individuals.

17.—Are you of opinion that the district under your jurisdiction is in a state of improvement, or otherwise, with respect to its population, cultivation and commerce, and its buildings or other works, for religious, domestic or other purposes; and on what grounds do you form your opinion?

As far as I have been able to observe of this district, during a residence of four years and a half in it, I am decidedly of opinion, that it has in that period improved considerably in point of cultivation. With respect to its buildings also, I am told there has been great improvement, owing to there being now a number of petty zemindars where there used formerly to be only one; and a great number of them, in order to gain a degree of respect, as well as to secure the papers relating to their estates from fire, have erected pucka buildings. I do not hear of any buildings, further than small durgas, erected for religious purposes. Population, it would appear, from the best information I can obtain, has much increased; and from the numerous newly erected habitations on ground which was lately waste, there is at least strong reason to credit the correctness of the information. Merchants residing in this district say, that commerce has much decreased, owing to their most profitable trades in salt and opium being taken out of their hands. The assertion, I am induced to think, is very incorrect, as there are now more photudars inhabit this district than in any former time; from which circumstance it is to be inferred, that commerce has increased of late years.

18.—Are you of opinion that the inhabitants of the district subject to your jurisdiction are in general satisfied with the British Government?

I have no reason to suppose that the inhabitants of this district are dissatisfied with the British Government; and even if they were, I consider them to be too pusillanimous to shew it.

19.—Is the present system of police well calculated to insure the apprehension of offenders?

I do not think the present system of police is well calculated to insure the apprehension of offenders, for various police officers daily report upon robberies and murders committed within their jurisdiction, without being able to discover the perpetrators or gain the smallest information respecting them. This chiefly originates from the inhabitants in the village which is attacked, betaking themselves to flight the moment the robbers, as is customary with them, begin to halloo and burn lights. Though three instances of robberies, committed within a few paces of the tannah, have occurred since I have been in this district, and notwithstanding, at one time the burgurdazes were so near the robbers as to exchange a few words with them, yet not one of the gang was known, or could a single person point out in which direction they retreated.

20.—Are the police establishments in the district subject to your jurisdiction adequate to the duties required of them?

The police establishments in this district, from the circumstance mentioned in my answer to Paragraph 19, do not appear to be adequate to the duties required of them.

21.—Are you of opinion that the number of crimes committed annually in the district under your jurisdiction has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

The number of crimes committed annually in this district appear to be rather increased than decreased, and I attribute the cause to most of the zemindars, talookdars, farmers, &c. harbouring and protecting large gangs; and I am much inclined to think that the police officers receive their share of the plunder, to wink as much as possible at these enormities. During my local enquiry into the robbery committed on the Honourable Company's boats,

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I had opportunities of getting information of the above kind, but not a man dared step forward openly to prove the fact, or I should have felt infinite satisfaction in bringing some of the zemindars and such of the darogahs as assisted them to severe punishment. Another cause, in my opinion, which contributes not a little to the contribution of robberies, is the lenity of punishments given in the Futwas of the law officers attendant on the Court of Circuit. For instance, for crimes punishable by death, either by the British law or during the Nizam's Government, is now commuted into thirty-nine stripes of the tazerana, and two, three, four and five years imprisonment. The lenity of such sentences for the crime of robbery; when unattended by murder, attaches to it a very serious consequence, viz. that the persons who are robbed, prefer keeping their lives to recovering their property. Knowing that, in the event of any one of the depredators being released, either by the Futwa in the first instance, or at the expiration of the short period of his confinement, his death, or flight from the country, must be the result. It frequently happens, that the person whose house is attacked, is the only person who sees the robbers sufficiently to identify them on their apprehension; this not being satisfactory, agreeable to the Mahomedan law, the robbers are forthwith released, to embrue their hands in the blood of the prosecutor.

22.—What crimes of enormity are most prevalent in the district under your authority? What is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

The crimes of the greatest enormity, in this district, are robberies, attended with murder, perjury, and forgery. If a robbery is committed without murder, it is owing to the inhabitants of the house attacked having time to escape out of it; for it appears to be a rule with the decoits in this zillah to attempt the murder of all they meet; and should the unfortunate owner of the house attacked have escaped the robbers on their first entrance, and is afterwards found, he is generally covered with oil and burned, to make him discover his wealth. The causes of the prevalence of these depredations are assigned in my answer to the 21st Paragraph. The means which strike me as being best calculated for the suppression of these robberies are, by subjecting the zemindars, talookdars, farmers, &c. to very severe punishment for allowing bad characters to reside on their estates. They cannot pretend ignorance of who are good, and who are bad; for it is very common, on the apprehension of suspected persons, for their neighbours, who are called in as witnesses, to prove their having been concerned in a particular robbery, to depose, that they do not know whether the prisoners robbed the identical house, but that they are and have, for a long time, been suspected persons; that since their apprehension, robberies in the village in which they reside have been less frequent; and consequently, from these circumstances, they cannot but suppose the apprehended persons were the robbers, especially as these men have no visible means of livelihood. The proprietors of these villages know these facts as well as the witnesses, but do not think proper either to turn them out of their estates, or give the police officers notice of them. I would also recommend, that a police darogah, convicted of connivance, or even in the event of there being presumptive proof against him, be made a most severe example of, not merely by dismission from his office, but also by making him liable to the same punishment as the actual robbers, as many as possible of whom I would strongly recommend for transportation. Those who are not supposed to be deserving of so severe a sentence, to be confined to hard labour in one of the districts distant from that in which their families reside, or in which they have committed their depredations. The crimes of perjury and forgery are, in my opinion, nothing short of robbery, and therefore require equal severity.

23.—Do the inhabitants in general, of the district subject to your jurisdiction, keep arms in their houses? What description of arms do they retain, and for what purposes are the arms retained?

The principal inhabitants of the district under this jurisdiction, being men of large landed estates, or merchants, require a certain number of men to escort their treasure, and to guard that which they keep in their houses; for which purpose they, in general, keep some more and some fewer burgundazes, armed with matchlocks, swords, shields and pikes. These men also serve as hircarras, to run before their masters palanquins.

24.—Are there any brick or mud forts in your district? In what state are the forts, and what is the nature of their construction?

The only building which bears any appearance of a fort, is one belonging to the Nawab of Moorshedabad, at Godagaree, but the walls are nearly all fallen down. It was built as a place of retreat for the Nawab's household in former times, in cases of attack. The nature of its construction was a mere square wall, built of brick.

25.—What proportion do the Hindoo bear to the Mahomedan inhabitants in the district subject to your authority; and what do you suppose to be the number of the inhabitants of your district, of all descriptions?

The proportion that the Hindoo bear to the Mahomedan inhabitants of this district is supposed to be two to one, and the number of inhabitants of the district about fifteen lacks.

26.—What are the names of the persons possessing the highest rank and the greatest opulence in the district subject to your jurisdiction? What number of followers, armed or otherwise, are they supposed to maintain in their service; and do they appear abroad with such followers armed?

The names of the persons of highest rank in this district are Bhoowun Inder Narain Chowdree

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Chowdree and Anund Narain Chowdree, and Souruj Munnee Chowdryne, the zemindars of Pergunnah Lushkerpore; but Bhoowun Inder Narain, zemindar of the $5\frac{1}{2}$ anna share, is the man of the greatest opulence. The number of his followers may probably amount to an hundred, or rather more, in general, armed with pikes, swords, shields, and matchlocks. The greatest part of these men are employed in the guard of treasure, and not more than ten or fifteen of them, armed as above, attend him abroad.

27.—Are there any persons in the district subject to your authority, supposed to be disaffected to the British Government? What are their names, and to what means do you resort for superintending their conduct? Have these persons any influence in the district, and to what extent?

I never heard of any man under this jurisdiction being disaffected with the British Government. Were a circumstance of the kind to come to my knowledge, I should not fail taking such decisive measures as the exigency of the case required; but I trust no such event will ever happen.

28.—Are you of opinion, that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

I have no doubt but the better class of natives would be well pleased that the British Government should confer titles and other marks of distinction on them, as, in that case, they would acquire an influence and dignity hitherto unknown to them; but I am not prepared to say how far it might contribute to strengthen their attachment towards it.

29.—What is the state of the roads, bridges and other public works in the district under your authority, and at whose expense are they kept in repair?

There is but one road at present in this district, extending about nine miles, which is kept in repair by the prisoners, but there are no bridges on it. I had it in contemplation to make a road between the town of Nattore and Baulea this year; but the only road we have, being so much destroyed during the last rains, and requiring so much repair, precludes the possibility of beginning it this season. Excepting the above road, there is no other public work in this district.

30.—How are the convicts in the district usually employed; and is there any manner of employing them which appears to you preferable to the manner in which they are at present employed?

From the beginning of July to the end of November, nearly the whole of this district is under water; therefore the convicts cannot be employed to much advantage during that period, nor there does not appear to me any more preferable mode of employing them than in repairing the roads.

31.—What is the state of the jail in your zillah?

The jail in this zillah is in a tolerable good state; but it requires a few repairs, which may be made at a trifling expense.

32.—What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character in your zillah, commissions empowering them to act as justices of the peace? Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons; would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

I am of opinion that it would by no means contribute to the suppression of crimes, or facilitate in the smallest degree the apprehension of offenders, by granting commissions to zemindars, farmers, and other persons of character, to act as justices of the peace; I rather suspect it would be a source of oppression, jealousy and litigation; for a native, with such a commission, would seize, under various pretences, the of any neighbouring zemindar or farmer, with whom he might have a dispute, and thereby distress him into a compliance with his wishes; while the other, finding himself unable to contend with so powerful an antagonist, is secretly stirring up informers and other persons, who make no difficulty in swearing to any thing, to lay criminal accusations against him. Allowing even that the person entrusted with such a commission has no dispute with his neighbours, they, being jealous of his authority, will not fail to thwart him in the execution of his duty; or should he apprehend any of their ryots, however justly, they would not fail making it a subject of litigation. Though I am decidedly against appointing zemindars or farmers, justices of the peace, yet I would strongly recommend, that every zemindar or farmer, or other landholder, be empowered to apprehend robbers and thieves, or persons of bad character, residing on their estates; subjecting them at the same time to very heavy punishment, should they allow such descriptions of persons to remain unmolested. I am satisfied so many murders and robberies could never be committed, if the landholders did not connive at them.

33.—Are there any new rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

As the natives are in greater dread of transportation than any other punishment that can be inflicted on them, I am of opinion that it would contribute much towards the suppression of perjury and forgery, were that to be declared the punishment for such offences. Those

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crimes are so prevalent in this district, that no man's character or property is safe, as there is scarce any reliance to be placed on the evidence of witnesses. For the suppression of murders and robberies, and the speedy apprehension of offenders, I would recommend, that very severe measures be adopted against landholders, who knowingly suffer men of bad character to reside on their estates. By the 10th Section of the 22d Regulation of 1793, Magistrates are empowered to employ vagrants and all suspected persons on the public roads, till they can give security for their future good behaviour; many men are kept in confinement agreeably to the above section, who can never give such security, therefore such sentence, if enforced, is equal to imprisonment for life. Others again are imprisoned under that section, who have been charged with a specific crime, but on the trial it has not been substantiated, but proved that the prisoner or prisoners have no visible means of livelihood, yet live well; these men, notwithstanding the suspicion is strong against them, soon find security and return to their bad practices, but more cunning and cautious than before. Committing such persons to take their trials before the Court of Circuit is useless, as the Mahomedan law does not admit such proofs to be sufficient for punishment; therefore a whole gang may be released at once to follow their former occupations, and the first use they make of their liberty is to rob and murder all those who have given evidence against them, or have been any way instrumental towards their apprehension. The cowardice of the natives is so great, that a robber is scarce ever identified by the person robbed; and the moment the alarm of robbers is heard in a village, the villagers betake themselves to flight, while the depredators plunder every house in it at their leisure. Independent of this, the pusillanimous inhabitants are afraid to give information at the Thanna, least the gang should make another attack on their village. In short, it would be almost impossible to detect robbers, did not one of the gang turn informer and entice four or five more over to his party to give evidence. This is an evil which requires the serious consideration of Government.

34.—What has been the operation of the last regulation respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes now levied on spirituous liquors, have rendered the vice of drunkenness more prevalent than it was, previously to the establishment of those taxes?

What the operation of the last regulation, respecting the tax on spirituous liquors, with regard to drunkenness, has been in the Mofussil, I cannot well ascertain; but to judge from what I have observed respecting it in Nattore, I must give it as my opinion, that the vice is considerably decreased, as I seldom meet a person inebriated.

35.—Do any measures occur to you, the adoption of which would in your opinion contribute progressively to the improvement of the moral character of the inhabitants of the district?

The natives of this district have so long been accustomed to iniquity, that I despair of ever seeing any improvement in their moral character, and I cannot suggest any measure the adoption of which would tend to the accomplishment of so desirable an object.

36.—In your opinion, what has been the effect of the regulation which declares persons convicted of the crime of perjury liable be marked in the forehead?

The regulation which declares persons convicted of perjury liable to be marked in the forehead, does not, in my opinion, appear to have had the smallest effect; for in administering the oath to witnesses, they are told what they subject themselves to by swearing falsely, they appear to be conscious of it, and five minutes after they are detected.

37.—What has been the operation of the punishment of transportation introduced by the British Government?

Transportation, as I have before mentioned, is what is dreaded more than death; and I am firmly of opinion, that were all robbers transported who were sentenced by the Law Officer of the Court of Circuit to imprisonment for more than three years, it would have a good tendency, and might be the means of considerably checking robbery.

38.—Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or with too much severity; and what do you suppose to be the consequence produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

I cannot but give it as my opinion, that the Mahomedan criminal law, with the alterations made by the British Government, is administered with too much lenity; and the consequence is, that after the expiration of each prisoner's period of confinement, he returns to his old practices. As a proof of the little effect the punishments have on offenders, during their imprisonment they have been heard to declare that they would call their prosecutors and witnesses to account. Had their punishments been sufficiently severe, dread of a repetition of it would have deterred them from using menacing expressions, at least while in confinement.

39.—What is the nature of the general conduct of the Europeans not in the service of the Company, who reside within your jurisdiction?

The Europeans not in the Company's service, who reside within this jurisdiction, have since I have been in the district, which is now four years and a half, behaved themselves in the most orderly and correct manner, so much so that I do not recollect any complaint having ever been preferred against one of them.

40.—What

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40.—What is the general condition of the weavers and other manufacturers in your jurisdiction? Are the existing laws and regulations well calculated for ensuring justice to the weavers and manufacturers, in their dealings with the officers of the Company and with private European merchants, and also for enabling the officers of the Company and the individual European merchants to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods?

I am unable to resolve the question respecting the general condition of the weavers and other manufacturers under this jurisdiction; all that I know regarding them is, that men of that description are frequently brought before the Criminal Court as robbers, or thieves, or receivers of stolen property. The regulations are certainly well calculated for ensuring justice to the weavers and manufacturers, in their dealings with the officers of the Company and with private European merchants; but I am inclined to think they are not so well adapted for enabling the Company's officers or private merchants to obtain the due performance of their engagements; because the mode in which the Company's officers and private merchants carry on their dealings with the manufacturers is, by advancing cash for the goods to be provided; and these manufacturers know, that if the goods are not delivered by a certain time, the object of the Company's officer and the private merchants is defeated, and that they have no resource but in instituting a regular suit in the Dewannee Adaulut, so that the Company's officer is by this disappointment prevented from realizing his investment, and the private merchant, unless a man of property, is ruined.

Zillah Rajshahy,
Judicial Department,
the 10th April 1802.

C. Græme, jun.
Acts Judge & Magte.

To His Excellency the Most Noble RICHARD Marquis WELLESLEY, K. G.
Governor General in Council.

My Lord,

I HAVE the honour to forward my Reply to the Interrogatories of Government of the 29th October last. The cause of its being so long delayed is stated in my letter to the Judicial Secretary, under date the 21st ultimo.

Many of the questions being general, I have in my answers merely referred to my reply from Backergunge, for the information required. The short time I have presided in this zillah prevents my giving such satisfactory information on many points, which a longer residence would enable me to do; this circumstance will, I hope, be indulgently admitted by your Excellency, as an excuse for any deficiency in my Reply. The correspondence of my predecessor on the subject of police, to which I have referred, will afford Government every requisite information, to enable it to judge of the state of this district.

I have the honour to be, with the greatest respect
Your Excellency's
Most obedient humble servant,
J. Wintle,
Judge and Magte.

Zillah Bhaugulpore,
Dewy Adlt
31st May 1802.

REPLY of the Judge and Magistrate of Zillah Bhaugulpore to the Interrogatories of Government of the 29th Oct. 1801.

Question 1.—Ans. The number of causes depending on the 31st December 1801 was as follows, viz.

Before the Judge - - - - -	64
Ditto the Register - - - -	82
Ditto native Commissioners - -	1,005
Total - -	1,151

Question 2.—Ans. The number of causes, depending at the end of each year from 1793, is inserted underneath; which shows the proportion those now depending bear to former years, viz.

	1793.	1794.	1795.	1796.	1797.	1798.	1799.	1800.	1801.
Before the Judge - -	203	344	134	17	30	65	41	57	64
Do - - Register -	- -	- -	- -	41	8	- -	69	81	82
Do - - Native Commissioners	- -	- -	- -	72	274	174	259	707	1,005
Total - -	203	344	134	130	312	239	369	845	1,151

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Question 3.—Ans. The number of causes decided in the past year (1801) is inserted below; in which statement I have thought it proper, for the information of Government, to insert causes disposed of by nonsuit, &c. and other business that is not brought on the regular file, viz.

Before the Judge:			
In appeal from the decision of the Register - - -	16		
In - ditto - - ditto - - of the native Commissioners	5		
Tried in the first instance by the Judge:			
Decreed on trial - - - - - - - -	52		
Dismissed on nonsuit - - - - - -	7		
Adjusted by rajenomah - - - - - -	5		
		85	
Before the Register:			
In appeal from the decision of the native Commissioners	7		
Tried in the first instance, by the Register:			
Decreed on trial - - - - - - - -	80		
Dismissed on nonsuit - - - - - -	14		
Adjusted by rajenomah - - - - - -	15		
		116	
Before the native Commissioners:			
Decreed on trial - - - - - - -	1,527		
Dismissed on nonsuit - - - - - -	345		
Adjusted by rajenomah - - - - - -	737		
		2,609	
Total causes - -		2,810	

Question 4.—Ans. The number of causes that must necessarily be depending cannot be stated with any certainty; because, though a pretty exact calculation may be made of the number that ought to be decided, the question must in a great measure rest on the number of suits instituted annually, which may vary exceedingly. But if the tribunals are diligent in the discharge of their duty, I think a plaintiff should obtain a decision, in this zillah, from either, in the course of three months after filing his suit; which is almost as short a time as the necessary process of summoning the defendant, receiving the pleadings, &c. can be completed in.

Question 5.—Ans. I beg leave to refer to my reply from Backergunge for an answer to this question.

Question 6.—Ans. I do not think it would be advisable expressly to extend the jurisdiction of the Register and native Commissioners of this zillah to suits for sums greater than they are authorized to try at present, as the suits in general are not for large sums, nor are there many opulent persons living in this district; but that the Judge should be at liberty, if from the number and amount of causes filed he may deem it advisable, to refer suits to the Register for trial, not exceeding the sum of three hundred sicca rupees.

Question 7.—Ans. I beg leave to refer to my reply from Backergunge for an answer to this question.

Question 8.—The fees paid to the licensed vakeels, on suits instituted or defended by them, are a sufficient inducement to men of character and qualifications to undertake those situations. The most able, as in all other countries, do of course get the greatest employ, while those of inferior abilities must be content with having business now and then. Some of the vakeels attached to this Court are respectable men, and acquainted with the printed regulations, others are rather deficient in that knowledge.

Question 9.—Ans. I beg leave to refer to my reply from Backergunge for an answer to this question.

Question 10.—Ans. I beg leave to refer to my reply from Backergunge for an answer to this question.

Question 11.—Ans. The inhabitants of this zillah are not well acquainted with the regulations, and the revenue regulations particularly appear to have been almost entirely disregarded. From the representations that have come before me in my official situation, I have reason to believe that the greatest confusion exists in the collections, and that it will be a most laborious task for the present collector to bring them into order and regularity.

Question 12.—Ans. I beg leave to refer to my reply from Backergunge for an answer to this question.

Question 13.—Ans. There are separate places allotted for the bench of the Judge, for the public officers, parties, vakeels, witnesses, and all persons who attend the Court, in the Court-house. At the opening and shutting of the Court the nazir proclaims aloud to that effect, which is the only ceremony observed, except what are pointed out in the regulations, and

what

what relates to the manner of the parties or vakeels addressing the Court, which is similar to what is observed in English courts of justice.

Question 14.—Ans. There are no private schools where the Mussulman and Hindoo laws are exclusively taught. The following is a list of both public and private schools in this district, where other sciences are taught, as well as Mahomedan and Hindoo law, viz.

Number of Msdrissas and Chowparries.	Name of Village, and Pergunnah where situated.	Name of Superintending Mouldavie or Pundit.	Number of Students now at each.	How supported.
	MUSSULMAN MADRISSAS:			
1.	Mouzah Molanagore, pergunnah Surajegurrah.	Shah Golam Moortizah and Sheik Gossain.	Not ascertained.	From an alkungah grant of pergunnah Obeypore.
1.	Cushbah, pergunnah Surajegurrah.	Cauzy Golam Muckdoom, Arshud Ally, and Bunday Ally.	Ditto.	From lackrauje lands and istomrary jumma of pergunnah Beecrempore.
1.	Moallah Chuck Durgah Mollanah Shaubaz, pergunnah Bhaugulpore.	Moulavie Mohamed Suffee	20.	Five hundred begahs of lackranje land in Mouzah Gopalpore, Peigh Bhaugulpore and Chaundpore, and Dane, pergunnah Colgong.
1.	Mehal Moshyek Chuck, pergunnah Bhaugulpore.	Fazul Ullah - - -	10.	From his own expenses.
1.	Cushbah Luckenpore Durgah Shah Chundun, pergunnah Churrachpore.	Mubaruck Ullah - -	4 or 5.	From lackraije lands of pergunnah Churruckpore.
	HINDOO CHOWPARRIES:			
1.	Mouzah Allynagore, pergunnah Surajegurrah.	Chooney Eam Pautuck -	- -	From his own expenses.
1.	Mouzah Abzul, pergunnah Surajegurrah.	Gokoolnaut Pautuck -	- -	Ditto - - ditto.
1.	Mouzah Burrary, pergunnah Colgong.	Mohish Pundit - -	10.	Ditto - - ditto.
	Mouzah Taledeehah, pergunnah Churruckpore.	Somful Jhah Bhowany, Dutt Jhah, and Horil Takore.	5.	From biremotur land in pergunnah Churruckpore, &c. and fees on law advices.
1.	Mouzah Roytah, pergunnah Havelly Churruckpore.	Rumaput Takore - -	2.	Ditto - ditto - pergunnah Havelly Churruckpore.
1.	Mouzah Raujepore, pergunnah Churruckpore.	Shebuckram Jhah - -	2.	Ditto - - ditto.
1.	Mouzah Misserpore, alias Comtah, pergunnah Churruckpore.	Chaund Misser - -	4.	Ditto - - ditto.

Question 15.—Ans. The general moral character of the inhabitants of this zillah is far superior to that of the inhabitants of the eastern parts of Bengal. As far as I can learn or observe, the system of administration formed by the British Government has had some influence in improving their moral character, but I cannot say exactly to what degree. In comparison to the people of Backergunge, the inhabitants of this zillah in general are saints.

Question 16.—Ans. The inhabitants undoubtedly consider their private rights and property to be far better secured by the present constitution of the country than ever they were

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were under the Mogul Government, and that they are not now liable to infringement by the supreme authority itself, by the executive officers, or by individuals. They have not, however, always entertained that opinion.

Question. 17.—Ans. This district is undoubtedly in a state of improvement in regard to its population and cultivation since the hill people were subjugated to the Honourable Company's jurisdiction; before which period it was very thinly inhabited, owing to the dread of those mountaineers, who were a scourge to the country, which equally checked cultivation; but since they have been reduced to submission, a greater number of inhabitants have settled in the district, and cultivation has extended. The establishment of the invalid Jaghuedars has also added considerably to the population and cultivation of the district, and some considerable portions of waste lands have been cleared from jungle by the last-mentioned persons. The commerce of the district has also much increased, from merchants being no longer in dread of being robbed by the mountaineers; in consequence of which this district has become one of the greatest thoroughfares in India, and merchandize passes through it from Lucknow, Benares, Patna, &c. to Moorshedabad, Calcutta, &c. part of which must naturally be consumed here. Buildings for religious and domestic purposes appear however to be on the decline, compared with the edifices built in former days yet to be seen; which is naturally accounted for by the power of the Soobahs of Bengal, who formerly held their court at Rajemahal and Monghir, being abolished, and the court being removed to Moorshedabad, and the opulent persons attached thereto dispersed; few persons of consequence remained in this district. There are no opulent Hindoos or Mussulmen now residing in the district, consequently the erection of Hindoo and Mussulmen temples have also declined.

Question 18.—Ans. I believe the inhabitants of this district are perfectly satisfied with the British Government, and that they are fully aware of the great freedom they enjoy under it, beyond what they could ever taste under either the Mogul or Hindoo administrations.

Question 19.—Ans. I beg leave to refer to my reply from Backergunge for an answer to this question.

Question 20.—Ans. The police establishments of this district are as vigilant as can be expected, but I do not think them quite adequate to the purposes of an active police, without the aid of village watchmen, and an establishment of boats to guard the skirts along the great river. My predecessor, in the 25th paragraph of his letter of the 2d September 1800, proposed that an addition of three guard boats should be made, to be stationed at Pointy, Monghir and Bhaugulpore; and in the 17th paragraph, that an addition of two chowkies be made at Suffiebad and Shahabad, which I think would be very proper, and afford great security to merchants and travellers, and to the inhabitants of this zillah also.

Question 21.—Ans. The number of crimes committed, agreeable to the calendars for the last nine years, is inserted underneath, which shews that they have somewhat diminished since the year 1793. This is owing to the regulations adopted by Government, and the vigilance of the late magistrate and police officers; viz.

	1793.	1794.	1795.	1796.	1797.	1798.	1799.	1800.	1801.
Murders	6	10	5	7	4	6	9	6	3
Woundings	2	4	-	-	-	6	3	3	-
Robberies	1	-	1	—	—	—	—	—	-
Thefts	30	51	25	65	21	40	22	35	48
Decoities	-	-	2	1	1	4	3	11	7
Perjury	-	4	6	4	7	2	1	4	1
Causing of abortion	-	-	2	-	-	2	1	2	1
Exacting money under false pretences	-	-	-	-	1	—	—	—	—
Witchcrafts	-	1	—	—	—	—	—	—	—
Forgeries	-	-	1	-	-	-	-	2	—
Briberies	-	-	1	—	—	—	—	—	—
Setting fire to houses	-	-	2	3	-	3	-	3	—
Using illegal weights	-	-	-	-	-	-	-	1	—
Entertaining a thief in his service	-	-	1	—	—	—	—	—	—
For making illegal sayer collections	-	-	-	18	—	—	—	—	—
For trying to stir up discontent in the hill people	-	-	1	-	2	—	—	—	—
TOTAL	39	70	47	98	36	63	39	57	60

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Question 22.—Ans. In this district, crimes of great enormity are but seldom committed. Murder does sometimes occur, but highway robberies, and petty thefts, and assaults, are most prevalent. These most usually occur where the tannahs are at a great distance from each other, or near the great river. Increasing the police establishments, with the addition of the guard boats, as recommended by my predecessor, would, I conceive, be the best means of suppressing these crimes.

Question 23.—Ans. The inhabitants of this district in general, keep arms in their houses. Many of them for the purpose of service, such as burkendesses, hurcurrahs, &c. Some for hunting, others from inclination, such as bands of armed fakeers, &c. who perhaps often put them to an improper use. Those most commonly used are tulwars, guns, and spears. Travellers carry these for their own defence. But I am of opinion with my predecessor, that the gangs of armed fakeers, and other vagrants, who travel about the country, ought to be disarmed.

Question 24.—Ans. There are the under-mentioned forts and decayed ghurrees (or habitations surrounded by walls, with watch towers at each angle) in this district; the latter were formerly the residences of the different zemindars, and built to protect them against the force of the Mogul invaders. The forts of Monghir and Oudanullah require no description; viz.

Number of Forts, &c.	Name of Village, and Pergunnah wherein situated.	With what Materials constructed.	In what State of Repair.	Nature of the Forts, &c.
1.	Mouzah Pawye, pergunnah Surajegurrah.	Mud.	- - - - - -	Ghurree.
1.	Mouzah Juje Waray, pergunnah Surajegurrah.	Mud.	- - - Ditto - - -	Ditto.
1.	Mouzah Oren, pergunnah Surajegurrah.	Bricks and mud walls.	- - Now in ruins - -	Ditto.
1.	Mouzah Murtoojah Najore, pergunnah Surajegurrah.	Mud.	- - Nearly destroyed -	Ditto.
1.	Mouzah Pookrawah, pergunnah Surajegurrah.	Mud.	In ruins, and now inhabited by the Zemindar.	Ditto.
1.	Mouzah Allynagore, pergunnah Surajegurrah.	Mud.	- - In ruins - -	Ditto.
1.	Mouzah Shoobney, pergunnah Surajegurrah.	Mud.	Now the residence of the Zemindar.	Ditto.
1.	Mouzah Bishenpore, pergunnah Selmaband.	Mud.	In ruins, and occupied by one of the invalids named Sallabet Khawn.	Ditto.
1.	In Moughir - - - -	Brick.	Occupied by the Honourable Company.	Fort.
1.	Mouzah Nantnagore, pergunnah Bhaugulpore.	Mud.	Out of repair, and now occupied by the hill rangers.	—
1.	Mouzah Tarrapore, pergunnah Sabarye.	Mud.	- - In ruins - -	Ghurree.
1.	Mouzah Taleaghurree, pergunnah Ghurree.	Stone and brick.	- - In ruins - -	Ditto.
1.	Mouzah Gunjapersand - -	Mud.	- - In ruins - -	Ditto.
1.	Oudanullah, in Rajemehal -	Brick and mud.	In ruins, and now occupied by the invalids.	Ditto.

Question 25.—Ans. The proportion of Hindoos in the district in the Mussulman inhabitants, are supposed to be about 7 to 9. It is difficult to say what number of inhabitants there may be of all descriptions, without making a more correct enquiry than has hitherto been done; but from some accounts in this office of the number of houses in each tannah, made in my predecessor's time, it appears that the whole number are 132,068, which, allowing about five persons for each house, will give 660,340 persons; to which may be added, about 10,000 for the hill inhabitants, not included in that account, which will make the whole of the inhabitants of this district amount to about 760,340.

Question 26.—Ans. There are no persons of high rank or great opulence in this district. The under-mentioned are the persons of most respectability; Rajah Kander Ally, Roopnarain Deo, Rajah Gopal, and Nerbye Sing, are the only persons who have any number of armed followers. Rajah Kander Ally seldom appears abroad with more than six burkendosses, Roopnarain Deo entertains about 1,500 or 1,600 armed persons, who are also

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his ryots, and is attended abroad by 80 or 100 armed followers; Rajah Gopal Sing and Nerbye Sing appear abroad with six or seven armed followers. None of the other persons appear abroad with more than one or two burkendosses, viz.

NAME of PERSONS.	ZEMINDARS, TALOOKDARS, &c.	Number of Followers entertained by them.
Rajah Rander Ally - - -	Zemindar of Currucpore - -	100.
Rajah Poorender Sing - - -	D° - of Haundoyah - -	100.
Roopnarain Deo - - - -	D° - of Chaunder Passye -	1,500.
Rajah Gopal Sing - - - -	D° - of Gidhore - - -	100.
Rajah Nerbye D° - - - -	D° - of - D° - - -	100.
Rajah Prittee Chund - - -	D° - of Aumbar - - -	100.
Rajah Mohocum Sing - - -	D° - of Sooltanabad - -	100.
Syef Ullah Chardry - - -	D° - of Cauckjore - -	50.
Pauressnant Ghose - - -	Late Cannungoe of Pergunnah Bhauzulpore - - -	25.

Question 27.—Ans. I do not believe that there are any persons in this district disaffected to the British Government. The only person upon whom any suspicion of that nature could alight is Roopnarain Deo, zemindar of Chunder Passage (vide 13th paragraph of my predecessor's letter, of the 11th January last) but he has not yet given sufficient grounds for such a belief.

Question 28.—Ans. I beg leave to refer to my reply from Backergunge, for an answer to this question.

Question 29.—Ans. I beg leave to refer to my predecessor's letter of the 2d September 1800, for an answer to this question.

Question 30.—Ans. The convicts of this district are employed in making a public road from Caulgong to Monghir, a distance of upwards of 60 miles; their labour cannot be better appropriated.

Question 31.—Ans. The jail of this zillah is a pucka one, and in pretty good order; it however requires some trifling repairs, which I shall recommend to Government in a separate address.

Question 32.—Ans. I beg leave to refer to my reply from Backergunge, for an answer to this question.

Question 33.—Ans. I beg leave to refer to my reply from Backergunge, and to my predecessor's letters of the 2d September 1800 and 11th January 1802, for an answer to this question.

Question 34.—Ans. The last Regulation, respecting the tax on spirituous liquors, seems to have operated very little in this zillah. I cannot say whether the tax established has rendered the vice of drunkenness more prevalent than it was before. It ought to have a contrary effect; but I am sorry to say, the vice is almost general just now, which I shall endeavour to check, by proposing the higher rates of duties. Those hitherto levied have been too low.

Question 35.—Ans. No measures occur to me, the adoption of which would, in my opinion, contribute progressively to the improvement of the moral character of the inhabitants of this district, but what are liable to a variety of objections, and almost impossible to carry into execution. The nature of the people is so diametrically opposite to that of Europeans, that it is very difficult to suggest any means that would improve them.

Question 36.—Ans. From the enquiries I have made, I find that the Regulation, declaring persons convicted of perjury liable to be marked in the forehead has had a beneficial effect in this district, and a few examples of that kind will, I am sure, deter many from the commission of the crime in question.

Question 37.—Ans. I beg leave to refer to my reply from Backergunge, for an answer to this question.

Question 38.—Ans. I beg leave to refer to my reply from Backergunge, for an answer to this question.

Question 39.—Ans. The general conduct of the Europeans, not in the service, residing in this district (who are but few) is decorous and proper; I seldom have any complaints against them.

Question

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Question 40.—Ans. I beg leave to refer to my reply from Backergunge, for an answer to this question.

J. Wintle,
J. and M.

Zillah Bhaugulpore.

Memorandum.—On the present subject, vide my predecessor's letters to Government, of the 2d September 1800, and 11th January 1802; ditto, to the Committee for investigating the state of the police, under date 31st July 1799.

To his Excellency, the Most Noble the GOVERNOR GENERAL, &c. &c. &c.
J Uahbad.

My Lord,

CONFORMABLY with orders recently received from the Honourable the Vice President in Council, I herewith do myself the honour of transmitting to your Lordship, a duplicate Copy of my Reply to the Interrogatories sent to several Judges and Magistrates, respecting the internal state of the country, and

Have the honour to remain, with much respect,
My Lord,
Your Lordship's most obedient and humble Servant,
Ynyer Burges,
Act^{g} Mag^{e}.

Zillah Dinagepore, the 15th January 1802.

Interrogatories.—1. What is the number of causes now depending before you, before your Register, and before the native Commissioners?

Answers.—On the 1st January 1802, the causes depending are as follows:

Before the Judge - - -	148	
Before the Register - - -	396	
		544
Before the native Commissioners -		5,514
		6,058

2.—What proportion does the number of causes now depending before the three tribunals, of the Judge, the Register, and the native Commissioners, bear to the number of causes usually depending, during the several years commencing from the year 1793, to the present period.

The proportion of causes now depending before the three tribunals, of the Judge, Register, and the native Commissioners, is 8 to 1 more now than in the preceding years, commencing from the year 1793.

3.—What number of causes was decided in the past year by you, by your Register, and by your native Commissioners?

The number of causes decided in the year 1801 is as follows:

By the Judge - - - -	218	
By the Register - - -	377	
		591
By the native Commissioners - -		21,047
		21,638

4.—What number of causes do you suppose must necessarily be depending before your Court and that of your Register, and before the native Commissioners; and what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced?

The number of causes now depending before the three tribunals is as low as it can be reduced, so long as the incessant accumulation of causes continue. I do not think any very great diminution can take place in the number of suits that must necessarily be depending before the respective tribunals of Judge, Register, and native Commissioners.

5.—Are you prepared to suggest the establishment of any rules which, consistently with a due administration of the laws, would expedite the decision of suits? Are you of opinion, that this object would be in any degree promoted by leaving it optional in the different tribunals to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing, or not, as the Judges might think proper?

I am of opinion, that the suggestion contained in this query, if adopted, would tend to expedite the decision of suits not appealable, without militating against the due administration of the laws; and that committing the depositions of witnesses to writing, in causes of the above nature, becomes an unnecessary engrossment of the leisure of the Court, and is not of any service to the cause, the whole substance of the testimonies borne by the respective witnesses being contained in the roedand of proceedings.

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6.—Are you of opinion, that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding S.R^{s} 200? What is the amount to which you would recommend the jurisdiction of the Courts of the Commissioners and of the Registers should be extended; and to what degree would the general administration of justice in the district subject to your jurisdiction be expedited by the adoption of this arrangement?

I do not think it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, as they have already as much business as they can pay attention to, or accomplish; and the extension of the jurisdiction proposed would only serve to load the Register and Judge's files with innumerable appeals, which had much better come before the Register's Court in the first instance. To extend the Register's jurisdiction from 200 R^{s} to 500 R^{s}, might be attended with advantage, particularly if his decision was to be made final upon all sums not exceeding 100 rupees, but beyond that an appeal to lie to the Judge. Possibly an alteration in the jurisdiction of the Judge's Court would tend to expedite the decision of suits; as in case his decisions were declared final when the suit or cause of action does not exceed 500 rupees, that time which is now dedicated to the arrangement and preparation of all causes beyond 200 rupees, for the provincial Court of Appeals (to which the litigation of the natives ever induce them to resort) might be advantageously yielded to the prosecution and decision of other causes, and leave the Court less embarrassed, as to leisure, which, from the numerous appeals from the Judge's decision, is now so much engrossed. To what extent the general administration of justice in this district would be expedited by the adoption of the above arrangement, it is impossible to determine with any degree of accuracy; but I should suppose the dispatch of the general business of the Courts would be very considerable.

7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of lawsuits, to be too considerable, or otherwise?

Litigation has certainly not been checked by the establishment of the fee paid to Government, or the other fees mentioned in this query upon the institution of suits. Judging from the accumulation of causes instituted monthly, I should rather suppose it to have increased. I by no means consider the several charges attending the institution of lawsuits to be too considerable; and if they were even to be increased, it might possibly serve to check, but could not altogether extinguish the spirit of litigation and quarrel, the general characteristic of the natives.

8.—Do the fees paid to the licensed vakeels, on suits instituted or defended by them, constitute a sufficient inducement to men of character, and of proper qualifications, to undertake those situations? Are the vakeels, attached to your Court, persons of the above-mentioned description; and are they in general well acquainted with the printed Regulations?

The fees paid to the licensed vakeels are, I believe, thought to be a sufficient inducement for men in a middling state of life to undertake the situations. The vakeels attached to my Court are of that description, and are as well acquainted with the printed Regulations as their habits and limited acquirements will admit of. To induce men of abilities, character, and qualifications, to undertake these duties, they must have some other incentive than the present rate of fees, to quit their homes and families. The fees, as they now stand, being only an object to natives resident upon the spot.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

The establishment of licensed vakeels has certainly contributed to expedite the decision of suits, by rendering them more definite and perspicuous than they were formerly, and suppressing extraneous and irrelevant matters, which parties, when unaided by these pleaders, were constantly in the habits of introducing.

10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity?

Having had no complaints or representation to the contrary, I am induced to believe that the established vakeels conduct themselves towards their clients with honour and fidelity.

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

The better class of inhabitants have a tolerably competent knowledge of the laws of the country, as far as I can judge from the occasional remarks I have heard them advance upon the subject.

12.—Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

I am not prepared to state any alteration in the forms established for the trial of civil suits, that could expedite their decision; nor do I think they could with safety undergo innovation,

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innovation, they appearing to me indispensable, and well calculated to insure the due administration of justice.

13.—Have you in your Court-room any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court, or sitting in it?

There are commodious places allotted in my Court-room for the bench of the Judge, the public officers, witnesses, and others attending the Court. The only forms observed in opening and shutting the Court is, after proclaiming silence, to inform the parties attending of the business that is to occupy the Court for that and the succeeding court day.

14.—Are there any private schools or seminaries in the district under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are these institutions maintained?

I understand that in this district there are two seminaries, which a few students attend for the purpose of being instructed in the Hindoo law; they are maintained by some grants of burmooter land, and the occasional voluntary donations of the students.

15.—What is your opinion regarding the general moral character of the inhabitants of your district? Has the moral character of the inhabitants in general been improved, or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

I cannot take upon myself to say that the moral character of the inhabitants of this district has greatly improved by the system established by the British Government for the administration of the laws, but that the little amelioration that may have taken place therein, is more to be attributed to the fear of transgressing the ordinances of Government than any innate principles of virtue or morality in the inhabitants.

16.—Are you of opinion that the inhabitants in general of the district under your jurisdiction consider their private rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

The inhabitants of this district are, I believe, strongly impressed with the conviction that their private rights and property are fully insured by the present constitution of the country against infringement on the part of Government, its officers or individuals.

17.—Are you of opinion that the district under your jurisdiction is in a state of improvement, or otherwise, with respect to its population, cultivation, and commerce; and its buildings or other works, for religious, domestic, or other purposes; and on what grounds do you form your opinion?

In my opinion, this district is in a state of improvement, as to its population, cultivation, and commerce. The grounds of my so thinking are founded upon the circumstance of the extensive division of landed property, which from being now in the hands of so many, excites the industry, perseverance, and speculation, so necessary and conducive to the prosperity and well doing of those who have an interest in the soil. Buildings, and other works, whether religious or domestic, may, as the landholders increase in opulence, again possibly flourish; but at present the resources of none, I believe, are at all adequate, whatever may be their wishes, to admit of their repairing buildings of the above description, much less to extend or erect new ones.

18.—Are you of opinion that the inhabitants of the district subject to your jurisdiction are in general satisfied with the British Government?

I am strongly of opinion, that the inhabitants of this district are fully satisfied with the British Government, and that they deem it a blessing, living under its mild and upright administration; particularly when they call to recollection the violence, oppression, tyranny and injustice which ever characterized Mogul despotism.

19.—Is the present system of police well calculated to insure the apprehension of offenders?

The present system of police is as well calculated to insure the apprehension of offenders, as so limited an establishment in so extensive a district can be expected to promote or admit of.

20.—Are the police establishments in the district subject to your jurisdiction adequate to the duties required of them?

In this district, I am of opinion that the police establishment are not altogether adequate to the duties required of it; to render it more effectually so, I make no hesitation in declaring that it ought at least to be augmented to double the number of officers at which it now stands. For regulating the police establishment, upon introducing the present system in the year 1793, the general standard fixed on was one darogah and one mohur, one jemadar and ten berkendosses, for the protection and jurisdiction of twenty miles of circumjacent territory; a space so extensive, that in the event of sudden emergency, the police officers must necessarily take at least a day, if not longer, before they can arrive at the spot (supposing it to be the extremity of their jurisdiction) where their duty calls them. Although it would be subjecting Government to additional expense, I think it would be attended with the

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most beneficial effects, were the present complement of police officers allotted and limited to a jurisdiction of ten miles in extent, which, from having the tannahs as centrical as possible within that compass, would enable the officers more effectually to watch and controul the conduct of the inhabitants, and to convey themselves with greater celerity to such places within their respective jurisdictions where their presence might be immediately and indispensably requisite. The class of men who, generally speaking, are usually selected to fill the offices of police darogahs, does not appear to me the most eligible. In this respect, the magistrate's choice is of necessity limited, from the very few respectable candidates properly qualified who are willing or desirous of the situation; and he is obliged to fix upon the person whose character is least equivocal, and who from general report is represented as worthy of the trust. The characteristic disposition and interested motives of the generality of native recommenders, must ever render such selections at best but doubtful. In speaking upon this subject, I cannot refrain from suggesting a plan which, if practicable, appears to me admirably calculated to improve and give efficacy to the police jurisdiction. The invalid soubahdars and jemutdars, whose situations, from the bounty and liberality of Government, are rendered comfortable and respectable, present themselves to my mind as desirable and proper objects to make choice of for the situations of tannahdars and darogahs. These men, from their habits of life, long and faithful attachment to the British Government, whose humanity and wisdom has rendered their declining years easy and happy; when, from chance of war, or other incidental cause, their retreat from the activity and toil of a military life becomes necessary, strike me as eminently qualified for the offices I have suggested; their courage is as undisputed as their attachment, and the pride of military honour, hereditary considerations, and a regard for their progeny and relatives, would be a sufficient pledge for their honesty and fidelity, lest, by pursuing a different conduct, they should endanger the continuance of that maintenance which the generosity of Government has granted them in perpetuity, should they continue to deserve it. Although men of the above description are not considered to possess the vigour and activity requisite to sustain the laborious duties of a military life, a proper and judicious selection might possibly be made from their numbers, gifted with sufficient energy and bodily strength to preside at the head of the respective tannahs: however partially infirm, they would, I am confident, discharge the duties of such situations much more satisfactorily and diligently than the persons who at present fill them; who, I am sorry to say, after much observation, I have generally found indolent and effeminate; destitute of courage; wanting in energy, and not unfrequently void of both honour and honesty, in sacrificing to their private views that time and ability which a principle of honour, did they possess it, ought to direct and influence to their official situation and public duty.

21.—Are you of opinion, that the number of crimes committed annually in the district under your jurisdiction, has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

During the period of my residence in this district, and as far as I can judge from the monthly reports, I am of opinion, that the number of crimes committed annually has increased since 1793; and this increase I attribute chiefly to the inadequacy of the sentences and punishments attached to their commission.

22.—What crimes of enormity are most prevalent in the district under your authority, what is the cause of the prevalence of such crimes, and what are the means you would recommend to be adopted for their suppression?

The crimes of enormity most prevalent in this district, are murder, gang robbery, considerable thefts, forgery, perjury, adultery, fornication, &c. &c. I think, if gang robbery was made felony, and declared capital, it would tend greatly towards the suppression of that enormity; for the other crimes or misdemeanors, with an exception to forgery and perjury, the punishments appear to me fully adequate, in the course of time, to deter their repetition. I think the punishment for forgery, in order effectually to put a stop to an evil that is daily gaining ground, ought to be transportation for a period limited; and that perjury, in addition to being marked in the forehead by the process called goodnah, should subject the offending party to the pillory, for a certain number of days, in the public haut or market place.

23.—Do the inhabitants in general, of the district subject to your jurisdiction, keep arms in their houses; what description of arms do they retain, and for what purposes are the arms retained?

The inhabitants of this district usually keep a few tulwars, and sometimes matchlocks, in their houses; but they in general are retained more to make an ostentatious show and parade on religious festivals, than for the purposes of offence or defence.

24.—Are there any brick or mud forts in your district; in what state are the forts, and what is the nature of their construction?

I have not been able to learn that there exists in this district forts of any description.

25.—What proportion do the Hindoo bear to the Mahomedan inhabitants in the district subject to your authority; and what do you suppose to be the number of the inhabitants of your district, of all descriptions?

In those districts where a Mahomedan senbah or zemindar presides, the number of Mahomedans often equals, and sometimes surpasses; those of the Hindoos, but in this, as in other similar districts hitherto subject to the superintendance of a Hindoo rajah or zemindar,

dar, the proportion of Mussulmen to the Hindoos, are not, I conceive, more than one to eight: with respect to the population of this district, I think I am within bounds in estimating the number of inhabitants at a million.

26.—What are the names of the persons possessing the highest rank, and the greatest opulence, in the district subject to your jurisdiction? What number of followers armed, or otherwise, are they supposed to maintain in their service; and do they appear abroad with such followers armed?

In this district, the rank of the several choudries, zemindars, and landholders, is estimated by the extent and importance of their estates, and the amount of their annual payments to Government. The names of those of the greatest reputed opulence, are Byjenaut Mundle, Rum Kaunt Roy, &c. Their number of followers are extremely limited; and when they appear abroad, the few people that attend them, though sometimes armed with swords and targets, have more the appearance of a miserable rabble, than the retinue of a respectable landholder.

27.—Are there any persons in the district subject to your authority, supposed to be disaffected to the British Government? What are their names, and to what means do you resort for superintending their conduct? Have these persons any influence in the district, and to what extent?

I do not believe there is a person in this district disaffected to the British Government.

28.—Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

The British Government, declaring itself to be the sole source of honour within its territories, and conferring titles and distinctions on its native subjects, might raise the estimation and dignity of such Government in the minds of the natives, but would not, in my opinion, materially strengthen or augment their attachment; which can, in any government, alone be impressed but by the justice, moderation, equity, and good faith of the rulers over the ruled. A thorough conviction of this, and which I firmly believe exists in the mind of every discerning native, is calculated to retain and promote their attachment, in a much greater degree than outward honours and distinctions, which, however flattering to their vanity, would in nowise tend to the advancement of their worldly concerns, which they consider the only basis of domestic repose and real happiness.

29.—What is the state of the roads, bridges, and other public works, in the district under your authority; and at whose expense are they kept in repair?

The public roads in this district are tolerably good, and from being repaired when the periodical rains have subsided, are kept in as good a state of preservation as is possible in a low country like this, subject to frequent, and often injurious inundations. Public works and bridges there are but few; of the latter there are but two in the town of Rajejunge, now in a ruinous and crumbling state, owing to the resources which were formerly provided by the rajah, having ceased since the sale of his zemindarry and subsequent demise; and the numerous successors by purchase to his estate are not inclined to yield a rupee towards the convenience and benefit of the community at large, beyond what their agreements with Government require and authorize.

30.—How are the convicts in the district usually employed; and is there any manner of employing them, which appears to you preferable to the manner in which they are at present employed?

The convicts of the district are employed in making and repairing the public roads, preparing and burning tiles for the use of the jails, and to sell to the inhabitants. It does not strike me, that they could be more advantageously occupied, by any other mode of labour.

31.—What is the state of the jail in your district?

The jails in this district, in point of commodiousness, healthiness, and cleanliness, are fully as good, if not superior to any I have seen at other stations, constructed of similar materials.

32.—What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character in your zillah, commissions empowering them to act as justices of the peace? Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons? Would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

I cannot think it would be expedient to grant to zemindars, farmers, or other descriptions of natives, however reputedly respectable, the commissions suggested by this query, empowering them to act as justices of the peace. It is a latitude of power and authority they are, in my opinion, incapable of making a proper use of, and ought on no account to be invested with. Neither would it be good policy; for persons of the above description are habitually so inactive and indolent, that they readily embrace the suggestion of any of the many interested and designing servants with which they are surrounded, rather than be at the trouble, however qualified, of thinking or acting for themselves. Powers so extensive, committed to the hands of such persons, would be the greatest grievance and distress to the

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inhabitants; for, much I fear, instead of being extended to the suppression of crimes, they would be made an instrument of oppression, and converted to interested purposes, by the opening afforded for exacting from the ryots long dormant and disputed claims, or anticipating, upon any emergency, immature and unjust demands of revenue. Were two more covenanted assistants allowed to each magistrate, to be stationed in the Mofussil, and vested with commissions empowering them to act as justices of the peace under the magistrate's orders, I am of opinion that such a measure would tend greatly to facilitate the apprehension of offenders.

33.—Are there any new rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

As in all states it is the nature and extent of the punishment that alone deters or checks the perpetration of crimes, I am of opinion, that the only regulations necessary, or likely to be attended with success, would be the adoption of a more severe and appropriate code of punishments and penalties, which, from being judiciously apportioned to the several descriptions of offences prevalent in this district, would, if it did not entirely check, considerably suppress, the repeated commission of them.

34.—What has been the operation of the last Regulation respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes now levied on spirituous liquors has rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

The operation of the last Regulation respecting the tax upon spirituous liquors has certainly had a good effect, inasmuch as the enhanced price of the liquors to the consumer prevents his procuring the quantity, or drinking to the excess he formerly did, when the article was sold at a cheaper rate. I do not think the vice of drunkenness more prevalent than it was previously to the establishment of these taxes; on the contrary, the augmentation in the price of the commodity leaves room for a well-founded belief, that among the lower classes of the inhabitants, the evil, though it can never be wholly suppressed, has experienced considerable diminution.

35.—Do any measures occur to you, the adoption of which would, in your opinion contribute progressively to the improvement of the moral character of the inhabitants of the district?

The moral character of the inhabitants of this district, I have long thought (upon a due consideration of their habits, pursuits, and predominant disposition to chicanery and low cunning, from youth to decrepitude) to be almost incorrigible. To infuse principles of honour and just dealing into such minds, if not a fruitless hope, would require much time, and equal perseverance. Possibly the introduction of public schools, for the education of a certain number of youth in each town or city throughout the several districts, might be attended with some success; the expense attending which could be amply supplied from the resources of the numerous natives, who at present hold lakerage and other descriptions of rent-free tenures, their right to which is, in general, the flimsy one of prescription; for I have no hesitation in declaring, that I consider (with a very few exceptions) the whole of the grants for such tenures to be, if not altogether invalid, extremely doubtful. From the holders of such dubious tenures, Government might derive a considerable accession of revenue, allowing that they only took one fourth of the annual assets derived and enjoyed by the present indolent occupants; which they could easily afford, as their rent-free tenures are indisputably the best cultivated, most productive, and richest soil in the country; and must be allowed by every competent revenue officer to be a nuisance and detriment to the kerage, or land bearing the public assessment, as all ryots flock to the holders of lackerage lands, for the purpose of procuring pottahs at a lower durbundy or assessment, than the zemindars and other descriptions of landholders, paying revenue to Government, can possibly afford to grant, consistently with their public engagements. From such resources assets might be yielded, fully adequate to defray the expense of the institution I have hinted at, and possibly furnish funds for other public works, such as bridges, wells, roads, &c. The milikdars, or holders of rent-free lands, are, I believe, the only description of people possessed of means, who are wholly exempted from contributing a portion of their income to the exigencies of the state, that protects them in their rights, privileges and immunities, in as great a degree, and to an equal extent, as its other subjects, who all contribute, in a greater or less degree, to its support. This consideration induces me to point out such milikdars as proper objects for Government to direct their attention to, in the event of their wishing to augment their resources; as they are men who literally may be said to live upon the fat of the land, and have never, as yet, since the establishment of the British Government, paid the smallest consideration for its protection; though, I believe, during the Mogul administration, they were not unfrequently assessed, either by orders, requisitions, fines or presents, in common with others.

36.—In your opinion, what has been the effect of the Regulation which declares persons convicted of the crime of perjury liable to be marked on the forehead?

I do not think that the mere marking in the forehead for perjury has lessened the repetition of that crime; possibly the addition of the pillory and public whipping might prove more efficacious.

37.—What

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37.—What has been the operation of the punishment of transportation introduced by the British Government?

The punishment of transportation has certainly had a good effect upon those not hardened in vice; but with old established decoits, the fear of hanging is the only punishment calculated to check, or effectually stop their malpractices.

38.—Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity, or with too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

The Mahomedan criminal law, with the alteration made therein by the British Government, is, in my opinion, administered with too much lenity. The consequences are obvious; offenders are hardened in, rather than deterred from vicious pursuits. Punishments leave only a temporary impression on the mind, except in the case of murder, and offences increase; as is evident from the calendar of commitments, furnished by the magistrate at the term of the periodical sessions.

39.—What is the nature of the general conduct of the Europeans not in the service of the Company, who reside within your jurisdiction?

The conduct of the few Europeans not in the service, resident in this district, I have ever found to be peaceable and correct.

40.—What is the general condition of the weavers and other manufacturers in your jurisdiction? Are the existing laws and regulations well calculated for insuring justice to the weavers and manufacturers in their dealings with the officers of the Company, and with private European merchants, and also for enabling the officers of the Company, and the individual European merchants, to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods?

The condition of the weavers and other manufacturers in this district, is, I believe, tolerably good; and it is only when the advances of Government experience a temporary suspension, that they complain of, or feel distress. I think the regulations well calculated to insure them justice in their dealings with the officers of the Company and private Europeans; and also for enabling the officers of Government, and individual European merchants, to obtain from the weavers and manufacturers the punctual performance of their engagements.

Judl Dept, the 29th October 1801.

Zillah Dinagepore, the 15th January 1802.

(A true copy.)
(Signed) G. *Dowdeswell*,
Secy to Govt.

Ynyr Burges,
Actg Magte.

To N. B. EDMONSTONE, Esq.

Secretary to the Most Noble the Governor General.

SIR,

IN conformity to an order from the Honourable the Vice President in Council, I have the honour to submit, for the consideration of the Most Noble the Governor General, my Answers to the several Interrogatories regarding the internal state of the country.

I have the honour to be, Sir,
Your most obedient humble servant,

Zilla Purnea,
29 December 1801.

T. Thornhill,
At Judge & Magte.

INTERROGATORIES to the Zillah Judges and Magistrates.

1.—What is the number of causes now depending before you, before your Register, and before the native Commissioners?

ANSWERS.—There were depending on the 1st July, before the three tribunals, 22,480 causes, before the Judge 329, before the Register 472, and before the native Commissioners 21,679.

2.—What proportion does the number of causes now depending before the three tribunals, of the Judge, the Register, and the native Commissioners, bear to the number of causes usually depending, during the several years commencing from the year 1793, to the present period?

The proportion of causes depending at the end of each year, from 1793 to the end of 1800 inclusive, is as follows:

For 1793	4,634
1794	3,565

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1795	1,612
1796	6,079
1797	3,986
1798	11,927
1799	19,206
1800	15,715.

Zilla Purnea, 19 December 1801.

The great increase of causes since 1795 is to be attributed to the appointment of native Commissioners which took place in this district at that period.

3.—What number of causes was decided in the past year by you, by your Register, and by your native Commissioners?

There were decided in the past year 40,703 causes, by the Judge 414, by the Register 145, and by the native Commissioners 40,144. It is to be observed, that the Register's Court was adjourned from May to the close of 1800.

4.—What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the native Commissioners; and what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced?

I do not think that the number of causes now depending can be materially reduced under the present system; the heavy balance is before the Commissioners; and while they are allowed to receive a fee on the institution of a suit, it will remain their interest to promote litigation; and they are constantly more anxious for the institution than the decision of suits.

5.—Are you prepared to suggest the establishment of any rules, (which, consistently with a due administration of the laws,) would expedite the decision of suits? Are you of opinion that this object would be in any degree promoted by leaving it optional with the different tribunals to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing, or not, as the Judges might think proper?

It would certainly tend to expedite the decision of suits, were it left optional with the Judges of the different tribunals, to commit to writing, or not, the depositions of witnesses in causes not appealable; and I am of opinion, that it would be a general benefit to the lower order of natives, were the Commissioners, in their capacities of Munsiffs, restricted from taking cognizance of suits under two rupees, almost all such being between persons who can ill afford to pay even the debt, much less the expenses of a prosecution: a great majority of them arise from a balance of interest on very trifling sums, but at exorbitant rates, by which the original loan, with legal interest, has long been liquidated. I am induced to recommend the adoption of this rule, from the frequent instances of wretched defendants, who, being unable to satisfy a judgment, are dragged from their homes, perhaps an immense distance, to the Sudder station, where they are either thrown into jail, or being compelled to part with every necessary of life, are, I fear, often from distress driven to evil courses. Should this restriction be adopted, I would recommend that the Judges be authorized to nominate an adequate number of respectable persons, who would be willing to undertake the office, to hear and decide by summary process, and without any pecuniary compensation, all suits of this nature that might be preferred to them.

6.—Are you of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding sicca rupees 200. What is the amount to which you would recommend the jurisdiction of the Commissioners and of the Registers should be extended; and to what degree would the general administration of justice, in the district subject to your jurisdiction, be expedited by the adoption of this arrangement?

I would, on no account, recommend that the jurisdiction of the native Commissioners be extended to suits exceeding 50 rupees, nor is it necessary in this district to extend that of the Register, as the number of suits instituted under 200 rupees exceed in proportion those of a larger amount; but as this observation may not apply generally, it might be advisable to authorize Judges to refer suits to their Register for sums not exceeding S.R^{s}. 400.

7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of lawsuits to be too considerable, or otherwise?

Litigation has certainly been in some degree checked by the establishment of the fees and duties specified in the within question, and I am of opinion that those several charges could not be increased without endangering the due administration of justice.

8.—Do the fees paid to the licensed vakeels, on suits instituted or defended by them, constitute a sufficient inducement to men of character, and of proper qualifications, to undertake those situations? Are the Vakeels attached to your Court persons of the above-mentioned description, and are they in general well acquainted with the printed Regulations?

The fees paid to pleaders is, in my opinion, a sufficient inducement to men of character to undertake the employment; the vakeels attached to this Court are in general of that description, and most of them are well acquainted with the Regulations.

9.—Has

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Answers by the JUDGES.

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Zilla Purnea, 19 December 1801.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

The establishment of licensed vakeels has undoubtedly contributed to facilitate the trial and decision of suits.

10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity?

I have reason to believe that the vakeels in general discharge their duty to the satisfaction of their clients.

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

The principal inhabitants of this district are in general well acquainted with the laws of the country.

12.—Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

Vide Answer, No. 5.

13.—Have you, in your Court-room, any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court, or sitting in it?

There is in my Court-room a platform enclosed by a railing, which is allotted for the bench of the Judge, for the public officers, parties and witnesses. Persons not concerned in the business before the Court, are at liberty to stand without the enclosure. In the Register's Court-room, there is a bench, with boxes for the parties, and witnesses. I observe no particular forms on opening or sitting in Court, further than enforcing good order, and respectful conduct from those who attend.

14.—Are there any private schools or seminaries in the district under your jurisdiction, in which the Mahomedan or Hindoo law is taught, and how are those institutions maintained?

There are no schools or seminaries in this district; the principal Mahomedan inhabitants keep tutors for the instruction of their children; and many of the Hindoos send their sons for education to the college at Benares.

15.—What is your opinion regarding the general moral character of the inhabitants of your district? Has the moral character of the inhabitants in general been improved or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

If by the system established by the British Government for the administration of the laws be meant that established in 1793, it is evident the morals of the natives have not been improved, as is clearly shewn by the progressive increase of trials for crimes of a heinous nature since that period.

16.—Are you of opinion that the inhabitants in general of the district under your jurisdiction, consider their private rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

I do believe the inhabitants consider their property in general sufficiently secure from infringement by individuals; but nothing but long experience of the justice of the intentions and practice of Government, will convince them that their rights may not be invaded by the supreme executive authority.

17.—Are you of opinion that the district under your jurisdiction is in a state of improvement, or otherwise, with respect to its population, cultivation and commerce, and its buildings or other works, for religious, domestic, or other purposes; and on what grounds do you form your opinion?

The population of the district has considerably increased of late years, and consequently its cultivation and commerce. I ground this opinion from information derived from intelligent and respectable natives, who have long been inhabitants of the place.

18.—Are you of opinion that the inhabitants of the district subject to your jurisdiction are in general satisfied with the British Government?

I am of opinion that the inhabitants of this district are in general well satisfied with the British Government.

19.—Is the present system of police well calculated to insure the apprehension of offenders?

My opinion on this Question will appear in answer to Question No. 22.

20.—Are the police establishments in the district subject to your jurisdiction adequate to the duties required of them?

The police establishments in this district are not in general adequate to the duties required of them.

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Answers by the JUDGES.

Moorshedabad Division.

Zillah Purnea, 19 December 1801.

21.—Are you of opinion that the number of crimes committed annually in the district under your jurisdiction, has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

Vide Answers to Nos. 15. and 22.

22.—What crimes of enormity are most prevalent in the district under your authority; what is the cause of the prevalence of such crimes, and what are the means you would recommend to be adopted for their suppression?

The crimes most prevalent are gang robbery, frequently attended with murder and theft; private murder is not a prevalent crime. The cause is to be attributed to the insufficiency of the police establishments; the most likely means of preventing them, is to recur to the former system of vesting the police with the zemindars, and holding them responsible for the repayment of money, goods, &c. which may be stolen in their respective estates.

23.—Do the inhabitants in general, of the district subject to your jurisdiction, keep arms in their houses; what descriptions of arms do they retain, and for what purposes are the arms retained?

The inhabitants in general keep arms in their houses, such as matchlocks, tulwars and spears, avowedly for their protection against robbers.

24.—Are there any brick or mud forts in your district; in what state are the forts, and what is the nature of their construction?

There were formerly a few mud forts on the Morung boundary, which are now in a state of total decay. There is a brick fort at Jellalghur, six coss from Purnea, built by the Nabob Syf Khan, and which was, I understand, during the Mahomedan Government, the frontier post. It occupies a space of three hundred feet square, has circular bastions at the four angles, with a parapet wall all round, pierced with loopholes for musquetry. There were formerly extensive outworks, which are now nearly effaced, and the fort itself is much out of repair; there is likewise a wall with bastions, round the factory at Malda, but it has no ditch or outworks.

25.—What proportion do the Hindoo bear to the Mahomedan inhabitants in the district subject to your authority; and what do you suppose to be the number of the inhabitants of your district, of all descriptions?

From the best information I have been able to collect, I understand that the Mahomedan inhabitants are in the proportion of about seven-tenths to the Hindoos. The population may be reckoned at one million four hundred thousand souls, agreeably to an estimate made by the collector in March last, on an actual investigation of three villages, multiplied by the whole number of villages in the district.

26.—What are the names of the persons possessing the highest rank, and the greatest opulence, in the district subject to your jurisdiction? What number of followers, armed or otherwise, are they supposed to maintain in their service, and do they appear abroad with such followers armed?

The persons possessing the highest rank in this zillah, are Syed Mahomed Alli Khan Bahaudar, Bahaudur Alli Khan, and Aga Mahomed Alli Khan, a native of Persia; the most opulent merchants are Bahaudur Sing, Bynauth Sing, Munhoor Bhartye, Rhuttun Chund, Salamut Voy, Motee Chund, and Gopaul Chund; the zemindars of opulence are, the Rannie Endrowtye, Doololl Sing, Hurry Sing, Goureekaunt, and Sinee Narain. Some of the above persons entertain a few burkundosses for the protection of their houses, but no one appears abroad with armed followers, or any considerable retinue.

27.—Are there any persons in the district subject to your authority, supposed to be disaffected to the British Government? What are there names, and to what means do you resort for superintending their conduct? Have these persons any influence in the district, and to what extent?

I know of no persons subject to my authority, who are disaffected to the British Government, and I am confident there are none of that description who possess the smallest influence.

28.—Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles, and other marks of distinction, on its native subjects?

I am of opinion that it might contribute to strengthen the attachment of the natives, were the British Government to declare itself the sole source of honour within its territories.

29.—What is the state of the roads, and other public works in the district under your authority; and at whose expense are they kept in repair?

Since my Report on the state of the roads, under date the 1st July 1800, I have made by the convicts a very good one to Munyary, a distance of sixteen coss, and have repaired a great part of the Caragolla road; the bridges are in general in a ruinous state, and cannot be made permanently good, without a considerable expense to Government.

33.—How are the convicts in the district usually employed; and is there any manner of employing them, which appears to you preferable to the manner in which they are at present employed?

The convicts are employed, when the season will permit, in repairing the public high roads,

roads, and I do not see how they can be more usefully engaged; during the rains they are employed on the roads in the vicinity of the town.

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Moorshedabad Division.

Zillah Purnea, 31 December 1801.

31.—What is the state of the jail in your zillah?

The new jail was lately built, and is in perfect repair.

32.—What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character in your zillah, commissions empowering them to act as Justices of the Peace? Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons, would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

I am of opinion, that it would be highly expedient to grant commissions to actual proprietors of estates, and in such as are held kaas to serbrakhars or farmers; I would recommend that their jurisdiction be confined to their respective estates, that they be held answerable for all losses, and empowered to require security from the mundel of every village, and from every under farmer in their estates?

33.—Are there any new rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

I am of opinion, that the adoption of the above plan, with such variations as the wisdom of Government might suggest, would tend to facilitate the apprehension of offenders, and tend to the suppression of crimes in general.

34.—What has been the operation of the last regulation respecting the tax on spirituous liquors with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes now levied on spirituous liquors, have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

The last regulation respecting the tax on spirituous liquors, has certainly rendered the vice of drunkenness less prevalent than formerly; the lower classes of natives can now ill afford to purchase it from the licensed manufacturer, and the clandestine manufacturer has been in a great measure checked by the severe penalty it incurs.

35.—Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the district?

An effective and vigilant police would contribute progressively to the improvement of the moral character of the inhabitants.

36.—In your opinion, what has been the effect of the regulation which declares persons convicted of the crime of perjury liable to be marked in the forehead?

The crime of perjury has, I think, been less frequent since the promulgation of the regulation alluded to in the within question.

37.—What has been the operation of the punishment of transportation, introduced by the British Government?

Convicts undoubtedly entertain a considerable dread of the punishment of transportation, and in no district perhaps more than in this, but whether that dread has so extended its influence as to have in any degree prevented the perpetration of offences; I cannot take upon me to say. Decoity has not so frequently occurred in this district within these last two years as before; and it is possible the operation of this law may have contributed in some degree to the repression of this crime.

38.—Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or with too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

As far as my observation and experience will enable me to judge, the present system of administration of the Mahomedan law, is in general instances unexceptionable. In offences of an heinous and atrocious nature (particularly decoity or night robbery) the adoption of a more rigorous and specific law appears to me necessary, not only to check the commission of this offence, but in proportion to the advantages which prisoners now derive from the rejection of any confession, not made before the magistrate or the Court of Circuit, and the opportunities they have of calling witnesses in support of any allegations which may tend to exculpate them or mitigate punishment. In offences of this kind, therefore, I am humbly of opinion, that the utmost extremity of the law should be resorted to, but that the superior Courts should have the discretion of modifying it to such extent as they might judge proper. The Mahomedan law requires such minute discrimination, that the ends of justice and exemplary punishment may frequently be defeated; but if the commission of this offence is declared to incur the heaviest sentence of the law, this nicety of distinction will in some measure cease, and all become subject to the same fate, selecting such for example as shall appear to have borne a principal part in the act. The promulgation of such a law would probably tend more than any thing else to the repression of robbery, and give more energy and efficacy to the system of criminal jurisprudence than it at present possesses.

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Answers by the JUDGES.

Moorshedabad Division.

Zillah Purnea, 19 December 1801.

39.—What is the nature of the general conduct of the Europeans, not in the service of the Company, who reside within your jurisdiction?

The Europeans residing in this district have, during my time, conducted themselves with propriety.

40.—What is the general condition of the weavers and other manufactures in your jurisdiction? Are the existing laws and regulations well calculated for insuring justice to the weavers and manufacturers in their dealings with the officers of the Company, and with private European merchants, and also for enabling the officers of the Company, and the individual European merchants, to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods?

The very few prosecutions which have come before me, in which weavers or other manufacturers have been parties, induce me to conclude, that the existing laws are well calculated to insure justice to them, as well as the punctual performance of their engagements to their employers.

Zilla Purnea, the 19th December 1801.

T. Thornhill,
As Judge & Magr.

To N. B. EDMONSTONE, Esq.
Secretary to Government.

Sir,

IN obedience to orders from the Honourable the Vice President, I herewith beg leave to submit my Answers to the Interrogatories received with Mr. Secretary Dowdeswell's Letter of the 29th of October last, to be laid before His Excellency the Most Noble the Governor General.

I have the honour to be,
Sir,
Your very obedient servant,
J. Becher,
Judge.

Zillah Moorshedabad,
Judicial Department,
the 31st December 1801.

Zillah Moorshedabad, 31st December 1801.

1.—There are on this date - - - 27 causes depending before me,
Before the Register - - - - 1,762
Before the Commissioners - - - 16

Total - - - 1,805

2.—The following Statements will exhibit the information required by this question from 1794, previous to which period I have not been able to ascertain the number of causes that were depending.

In 1794 there were 2,681 causes on the file.

In 1795 there were 3,018; viz. before the Judge 213; before the Register 2,805; making an increase, compared with 1794, of 337 causes.

In 1796 there were 4,485; viz. before the Judge 254; before the Register 4,014; before the Commissioners 217; making an increase, compared with 1795, of 1,467.

In 1797 there were 3,842 causes; viz. before the Judge 240; before the Register 3,039; before the Commissioners 563; making a diminution, compared with 1796, of 643.

In 1798 there were 2,639; viz. before the Judge 175; before the Register 1,973; before the Commissioners 491; making a diminution, compared with 1797, of 1,203.

In 1799 there were 1,835; viz. before the Judge 112; before the Register 1,259; before the Commissioners 464; making a diminution, compared with 1798, of 804.

In 1800 there were 1,454; viz. before the Judge 46; before the Register 1,154; before the Commissioners 254; making a diminution, compared with 1799, of 381.

In 1801 there were 1,805 causes; viz. before the Judge 27; before the Register 1,762; before the Commissioners 16; making an increase, compared with 1800, of 351 causes.

This Statement exhibits a regular diminution since 1796 to 1800 inclusive.

The increase in 1801, is in some measure to be ascribed to the adjournment of the Court in the month of September, in consequence of the inundation.

3.—116 causes were decided by me.
1,385 dº by the Register, which includes a great many dismissed by proclamation.
422 dº by the Commissioners, which also includes those dismissed by proclamation.

4.—I imagine the number of causes that must necessarily be depending in this Court, will continue at about the number they were in 1800, and that the number is reduced as low as it can be, allowing for the necessary attention to other duties.

5.—It would expedite the decision of suits, if the Judges and Registers were authorized to employ their assistants, and occasionally the Molavy and Pundit of the Court, in superintending

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Answers by the JUDGES.

Moorshedabad Division.

Zillah Moorshedabad, 31 December 1805.

intending the taking down in writing of depositions in presence of the vakeels of the parties, the vakeels to sign the depositions in testimony of their being correctly taken down, which would obviate all objection to this mode, and the witnesses to remain in attendance during the trial. This object would certainly be further promoted, by leaving it optional in the different tribunals to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing, or not, as the Judges might think proper; and in causes under a certain amount, say 200 rupees, if the reply and rejoinder were omitted, it would in some measure expedite decisions.

I am not prepared to suggest any other rules.

6.—I am decidedly of opinion, that it would not be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees; with respect to extending the jurisdiction of the Register's, to sums exceeding 200 rupees, it does not appear to be at all necessary in this district, since the number of causes above 200 rupees are so very few, compared with those under that sum, already before the Register; but as a general measure I think it advisable, as it would relieve persons residing at a distance from the Courts of Appeal, extending the jurisdiction of the Registers to 400 rupees, and consequently making the decision of the zillah Judge in appeal final on suits not exceeding that amount.

7.—I consider litigation to have been much checked by the establishment of the institution fee, and other expenses attending law suits, and the spirit of litigation to be now kept within due bounds; that present expense is not too considerable for that beneficial purpose, but that any further increase would be injurious.

8.—The fees to which the licensed vakeels become entitled, in suits entrusted to their management, I think are sufficient to induce men of character and proper qualifications to undertake those situations. The vakeels attached to this Court, are, generally speaking, men of the above descriptions; there are, however, some exceptions. I cannot say the vakeels attached to this Court are in general well acquainted with the printed Regulations, though some of them may certainly be said to have a good knowledge thereof, and these persons are most employed.

9.—The establishment of licensed vakeels has undoubtedly contributed to expedite the decision of suits, by bringing more speedily and accurately before the Courts the merits of suits instituted.

10.—I think the vakeels in general discharge their duty to their clients with fidelity, inasmuch as relates to not allowing the interests of their clients to suffer by collusion with opposite parties; but I do not think, generally speaking, they can be said to discharge their duty to their clients honourably and reputably, because they do not take sufficient pains to make themselves fully masters of the subject on which they are employed, before the trial comes on. In this respect, generally speaking, I consider them extremely negligent.

11.—I think the principal inhabitants are as well acquainted with the laws of the country, if the Koran and Shaster are meant, as individuals in general can be supposed to be. If the printed Regulations are alluded to, I am of opinion, a knowledge of them is confined to those in constant attendance on the Courts, or who have much business in them.

12.—Except what has been before noticed in answer to the 5th Query, I am not prepared to state any alterations in the forms for the trial of civil suits, which would contribute to expedite decisions.

13.—There is a separate, rather elevated, bench for the Judge, detached lower seats to the right and left for the Mussulman and Hindoo law officers, a separate seat for the sheristadar, the reader and writer of proceedings; the vakeels have seats in a semicircular form, in front of the Judge; the open space thus formed is for parties in suits, who choose to attend, and for witnesses when under examination. There is a railing at the back of the seats allotted for the vakeels; and the open space behind, when the vakeels sit, which comprizes more than half the court-room, is left for all persons who choose to attend. There are no particular forms observed in opening the Court, or sitting in it.

14.—The result of my enquiry regarding schools is, that there is only one school where the Mahomedan law is taught; it is called Moonshey Mahomed Zakir Kharis Madrissa, and is situated at Pustofie in pergunnah Futte Sing; it is at present kept by Molavy Golam Huzurut, brother of the above-named, who died some years ago; about 20 scholars are admitted, and are maintained at the expense of Mahomed Zakir's heirs. This school was established in 1189, B. S. There are 20 schools in different parts of the district, where the Hindoo law is taught, most of them have been long established; there are not more than 20 pupils admitted to any of them, and for the most part from five to ten. These institutions are maintained by rent free lands, and by donations to the Pundits who superintend them.

15.—I consider the general moral character of the inhabitants as very bad, I can scarcely name any virtue they may be said to possess, and I can enumerate many vices, such as avarice, revenge, disregard to truth, low cunning, want of humanity and of gratitude; they are besides grossly superstitious and extremely indolent; on the whole, however, I think the Hindoos are a better people than the Mussulmans. The system established has every

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tendency to the improvement of the moral character, but with so many vicious habits and prejudices to combat, it must operate very slowly, and therefore little effect can as yet be observed.

16.—I am of opinion, the principal inhabitants consider their rights and property secured against any infringement whatsoever, but I do not think it is yet so understood by the lower classes.

17.—I conceive the population must be somewhat on the decline, owing to the sickly seasons that have been experienced here for some years past.; cultivation must in some degree have suffered from the same cause, though the district may certainly still be said to be in a good state of cultivation; commerce has certainly fallen off in a great degree since the Company's investment has been so much retrenched, and the population, cultivation and revenues must, I conceive, eventually suffer; buildings of any note or magnitude are now seldom seen newly finished or erecting any where, and justifies an opinion, that improvements in this respect are fallen off.

18.—I am of opinion, generally speaking, that the inhabitants are satisfied with the British Government, the Hindoos more so than the Mussulmans.

19.—I do not think the present system of police well calculated to insure the apprehension of offenders, some mode should be devised for ensuring the co-operation of the landholders.

20.—The police establishments paid by Government in this district, are by no means adequate to the duties, because the whole charge of the police may almost be said to rest upon them, and it is wholly impracticable for a darógah and 10 or 20 burkundosses to protect the whole extent of his jurisdiction. If the establishment of pykes and other village watchmen were placed entirely under the orders of the magistrates, instead of being employed as they now are, by the zemindars, in the collections and other duties, and thus rendered an efficient in lieu of a nominal aid to the police, the number is sufficient.

21.—I can only speak from the year 1797. I think crimes from that period have gradually diminished. Tranportation has, I am of opinion, had a very salutary effect in deterring from crimes; and the measure of keeping the prisoners out on the roads, as they have been since last year, and giving them taskwork, has likewise operated favourably in this respect.

22.—Decoity or gang robbery is, of all crimes of enormity, the most prevalent; murders also frequently occur as well in these attacks of robbers as from other causes, as revenge, jealousy, &c. Severity of punishment, and an efficient police, are the best means I am aware of to be adopted for the suppression of crimes.

23.—All the inhabitants, generally speaking, keep arms of some sort or other, such as swords, matchlocks, spears, bows and arrows, clubs knotted with iron, either for the purpose of self defence or field sports.

24.—There are no brick or mud forts in this district.

25.—I imagine, there are rather more than two Hindoos to a Mussulman, and I calculate the total number of inhabitants of the district to be about 650,000, but I cannot venture to vouch for the accuracy of this statement; I am inclined to think it below the reality, as the Girdbundie papers of the different tannah jurisdictions exhibit the names of 2,911 villages; many of them are very small; yet this estimate will only give, on the above number of villages, about 223 inhabitants for each. In the estimate above given, I have been in a great measure guided by the result of an inquiry made by Sir J. E. Harington many years ago, in which he calculated the population at about 1,020,000, including the city; since which period, a considerable portion of what then formed the district has been annexed to Nudea, &c.

26.—The persons possessing the highest rank and the greatest opulence, who have estates in this district, for the most part reside in the city jurisdiction; their names are as follows:

1. Juggert Seat is considered first in rank and opulence next to the Nawaub's family; he resides entirely in the city, but has landed property in different parts of the district.
2. The Rauny Bhowanny and the sons of Rajah Ramkishen, the former zemindar of Rajeshahye, Rajahs Bishenaut and Shronaut are persons next in rank, but not of opulence.
3. Rajah Mahanund, dewan of the Nawaub, resides in the city, but possesses landed property in different parts of the district.
4. Collynarain, canongoe of Bengal, resides near Rangamatty.
5. Chundernarain, d°, a minor, adopted son of Soorjenarain, late canongoe; resides in the city.
6. Rajah Davey Sing resides in the city, but possesses considerable landed property in different parts of the district.
7. Rajah Lockenaut resides at Cossimbuzar, in the city jurisdiction, but possesses considerable landed property in different parts of the district.
8. Prawnkishen Baboo resides generally in Calcutta, but possesses considerable landed property in the district.

Besides the above-named, and except the zemindars of pergunnah Futtehsing, Luckey-

narain

narain, and the son (a minor) of Collyshunker Rey, there are no persons of consequence, either in regard to rank or great opulence, in the district; and none of the above-named have any considerable number of followers, armed or otherwise.

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Answers by the JUDGES.

Moorshedabad Division.

Zillah Moorshedabad, 13 December 1801.

27.—I am not informed of any persons in the district supposed to be disaffected to the British Government.

28.—I think it would contribute to strengthen the attachment of the natives, if Government were to confer titles and other marks of distinction, on its native subjects.

29.—The roads were considerably injured by the late inundation; they are now under repair. There are no bridges of any consequence in the district; the largest was built last year, under the sanction of Government, at a place called Futti Sancho, and is in good repair. There are no other public works in the district. The roads and bridges are kept in repair at the expense of Government.

30.—The convicts are usually at work on the public roads, which is the best mode of employing them.

There are 605 persons in confinement*, of whom four are under sentence of imprisonment for life; 392 for definite periods; 92 committed to take their trial before the Court of Circuit; 21 sentenced by the Magistrate; 69 under examination; 27 Dewanny prisoners: of the total number, there are 21 sick. Twenty-eight, from age or other infirmity, incapable of hard labour.

The jail is a strong brick building well adapted to the purposes, and calculated to contain 700 persons. It was built about five years ago, and now requires some trifling repairs, in consequence of the waters having penetrated in September last.

32.—I do not think it would be expedient to grant commissions, to act as justices of the peace, to any zemindars or farmers. In the first place, because the principal zemindars and farmers do not reside on their estates or farms. In the next place, I do not think gratuitous service is to be expected from any of them; and lastly, I am satisfied the authority would be turned to a source of improper perquisite; offenders would generally be taken up under such a regulation, but as certainly released, if they had money to pay for their enlargement.

33.—I am not prepared to recommend any rules or regulations calculated for the suppression of crimes in general, except those mentioned in my answer to the 22d Question.

34.—As far as I am able to judge, I think the late Regulation, respecting the tax on spirituous liquors, has, in some measure, operated as a check to the vice of drunkenness.

35.—I have before said, that I consider the present system well calculated progressively to the improvement of the morals of the inhabitants. The establishment of schools would likewise tend to promote that object.

36.—I think the Regulation, which declares persons convicted of perjury liable to be marked in the forehead, has had a good effect.

37.—I have before stated it as my opinion, that the punishment of transportation has had a very salutary effect.

38.—The alteration made by Section 51, of Regulation IX. of 1793, directing periods of imprisonment and hard labour, in lieu of mutilation, as well as the alterations made by Regulation XIV. of 1797, which extends relief to prisoners sentenced to dejut and pecuniary fines, to restore stolen property or the value of it, or to remain in confinement until the completion of their sentences, may certainly be considered lenient modifications; all the other alterations having regard to cases where the Mussulman law has been obviously and essentially repugnant to the principles of public justice, cannot but be considered as improvements, with respect to the consequences produced.

The shocking example of mutilation, no doubt, operated in deterring from crimes more forcibly than the present mode; and the apprehension of imprisonment for life, which the operation of the sentence to restore the value of stolen property, in the event of any part being found in the possession of a culprit, might in most instances be considered to have had perhaps a similar tendency. The consequences in all the other instances, wherein modifications of the Mussulman law has been made, cannot but prove beneficial.

39.—The few Europeans, not in the Honourable Company's service in my district, behave with great propriety in all respects.

40.—I think the regulations regarding the weavers are extremely well adapted for all the objects for which they were framed; the general condition of the weavers and other manufacturers has, of course, been affected by the diminution of the investment.

* Of the whole number of prisoners there are only five women.

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Zillah Rungpore, 13 April 1802.

To His Excellency the Most Noble Marquis WELLESLEY, K. P.
Governor General, &c. &c. &c. Fort William.

My Lord,

IN obedience to the orders of the Honourable the Vice President in Council, under date the 3d December last, I have the honour to transmit to your Lordship a Copy of my Reply to the Interrogatories of Government regarding the internal state of the zillah under my jurisdiction, and to subscribe myself, with the highest respect,

My Lord,

Your Lordships most obedient and most humble Servant,

James Wordsworth,
Judge & Magistrate.

Zillah Rungpore,
13th April 1802.

INTERROGATORIES to the Zillah Judge and Magistrate.—1. What is the number of causes now depending before you, before your Register, and before the native Commissioners?

ANSWERS by the Judge and Magistrate of Zillah Rungpore.—On the 31st December 1801, the number of causes depending before me, before the Register, and before the native Commissioners, stood as follows:

Cognizable by me, in the first instance	126	
In appeal from the Register's decisions	117	
In appeal from the native Commissioners d°	164	
Total depending before me		407
Cognizable by the Register, in the first instance	122	
In appeal under 25 R°	56	
Total depending before the Register		178
Depending before the Commissioners		7,207
Total number of causes depending before the three Tribunals, on the 31st December 1801		7,792

2.—What proportion does the number of causes now depending before the three Tribunals of the Judge, the Register, and the native Commissioners, bear to the number of causes usually depending, during the several years commencing from the year 1793 to the present period?

The following is a progressive annual Statement of the number of causes filed, decided and depending before the three Tribunals of the Judge, the Register, and the native Commissioners, during the several years commencing from the year 1793 to the 31st December 1801:

YEARS.	Causes filed.	Brought down from File of former Years.	Total Causes on file.	Causes decided.	Causes depending, and carried to File of succeeding Years.
1793	1,364	- - -	1,364	280	1,084
4	1,407	1,084	2,491	1,121	1,370
5	19,580	1,370	20,950	15,527	5,423
6	21,068	5,423	26,491	22,575	3,916
7	18,742	3,916	22,658	19,166	3,492
8	17,035	3,492	20,527	16,817	3,710
9	10,807	3,710	14,517	11,626	2,891
1800	13,701	2,891	16,592	12,870	3,722
1	27,054	3,722	30,776	22,984	7,792

From this Statement, it will appear that the average number of causes usually depending before the three Tribunals is 3,711; and, consequently, that the number of causes now depending, 7,792, amount to more than double the number usually depending during the several years commencing from the year 1793 to the 31st of December 1801?

3.—What number of causes was decided in the past year by you, by your Register, and by your native Commissioners?

By me	404
By my Register	525
By my native Commissioners	22,055
Total decided	22,984

4.—What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the native Commissioners; and what

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what is the reason that the number of causes depending before those Tribunals respectively, is not reduced as low as you think it might be reduced?

Judging from an average of former years, I am inclined to suppose that the number of causes which must necessarily be depending before my Court, and that of my Register, and before the native Commissioners, will prove as follows:

Before my Court - - - - - - - -	from 390 to 400
Before the Register's Court - - -	from 100 to 150
Before the native Commissioners - -	from 3,000 to 4,000

But the future increase or decrease of these numbers must of course depend greatly upon the number of causes which may hereafter be filed; and the great variation which this is liable to, becomes evident from the circumstance of the number filed in 1801, amounting to very nearly double the average annual number filed during the three preceding years. The extraordinary number filed last year serves to account for the increased proportion of causes at present depending; and in answer to the latter part of the Interrogatory, I can only state that, all circumstances considered, I have no particular reason to think the number of causes depending before the three Tribunals respectively, is not reduced as low as I could well expect it might be reduced.

5.—Are you prepared to suggest the establishment of any rules, which (consistently with a due administration of the laws) would expedite the decision of suits? Are you of opinion that this object would be in any degree promoted by leaving it optional in the different Tribunals to commit the depositions of witnesses, in causes not appealable to a higher Tribunal, to writing, or not, as the Judges might think proper?

I am not prepared to suggest the establishment of any rules, which (consistently with the due administration of the laws) would expedite the decision of suits; nor am I of opinion that this object would be in any material degree promoted by leaving it optional in the different Tribunals to commit the depositions of witnesses, in causes not appealable to a higher Tribunal, to writing, or not, as the Judge might think proper. In suits of a plain and simple nature, omitting to record the depositions of witnesses, might, in some trifling degree, tend to expedite the decision without hazarding a due administration of justice; but in suits of an opposite description, and such as cannot be decided on the same day the trial may commence, it might tend to overcharge the Judge's memory; and in all cases deprive the principals engaged in suits, who may not be present at the trial, of the satisfaction they now derive from procuring a written copy of the proceedings, and being able to ascertain how far their causes may have been well or ill conducted on the part of their vakeels.

6.—Are you of opinion, that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 R^s^, and that of the Registers to sums exceeding sicca rupees 200.? What is the amount to which you would recommend the jurisdiction of the Courts of the Commissioners and of the Registers should be extended; and to what degree would the general administration of justice, in the district subject to your jurisdiction, be expedited by the adoption of this arrangement?

I am not of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees; not only because the number of suits usually depending before them is such as precludes all probability of the general administration of justice in the district subject to my jurisdiction being in any degree expedited by the adoption of this arrangement, but because I am of opinion, their decisions are very frequently biassed by corrupt and improper motives; and so little dependence can be placed in the integrity of the best characters among them, that any extension of authority granted to them would be fraught with the greatest mischief, and tend to defeat rather than expedite the ends of justice. By extending the jurisdiction of the Registers to suits for 500 rupees, with appeal to the Judge, the latter would be relieved from much troublesome investigation, which can be equally well conducted by the Register, and left more at liberty to attend to the more important duties of his station, as well judicial as magisterial; but I know not if the general administration of justice would be, in any considerable degree, expedited by the adoption of this arrangement.

7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of lawsuits to be too considerable or otherwise?

If any just conclusion can be drawn from the increased number of suits filed, particularly during the last year, it will not appear that litigation has been anywise checked by the establishment of the several charges attending the institution of lawsuits specified in the Quere; and such is my opinion of the litigiousness of the inhabitants of this district, that I much doubt if any moderate addition to the present costs attending lawsuits would serve in any degree to check this spirit of litigation. At the same time, I cannot but consider the present charges as heavy enough, in all reason, in most cases; and on the smaller suits, perhaps too heavy.

8.—Do the fees paid to the licensed vakeels, on suits instituted or defended by them, constitute a sufficient inducement to men of character, and of proper qualifications,

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to undertake those situations? Are the vakeels attached to your Court persons of the above-mentioned description; and are they, in general, well acquainted with the printed Regulations?

I think that the fees paid to the licensed vakeels, on suits instituted or defended by them, do constitute a sufficient inducement to men of character and of proper qualifications to undertake those situations. I am however, sorry to observe, that many of the vakeels attached to my Court are not persons of the above description; nor do I think them in general so well acquainted with the printed Regulations as they ought to be.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

The establishment of the licensed vakeels has, I am of opinion, contributed, in a trifling degree to expedite the decision of suits in some cases, by bringing more speedily and accurately before the Court the merits of the suits instituted.

10.—Do the vakeels, in general, discharge their duty to their clients with honour and fidelity?

Though the vakeels, in general, appear to discharge their duty to their clients with honour and fidelity, yet instances of great negligence in their conduct are by no means uncommon.

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

The zemindars and a few merchants, who may be considered as the principal inhabitants of my jurisdiction, are as well acquainted with the codes of their respective laws, Mahomedan and Hindoo, as individuals can be supposed to be informed of the laws of the country. To some, though not all of the few inhabitants who come under this description, the Regulations of Government are also pretty well known; but the grand mass of the people are totally illiterate and ignorant.

12.—Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decisions of the suits, without endangering the due administration of the laws?

I am not prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decisions of the suits, without endangering the due administration of the laws.

13.—Have you, in your Court-room, any place allotted for the bench of the Judge, for the public offices, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court, or sitting in it?

I have, in my Court-room, a place allotted for the bench of the Judge, on a raised platform, on which the Mowlovie has a seat to the right, and the Pundit to the left. Below the platform, and in front, there is a space railed in, affording places for the parties, their vakeels and witnesses. The whole remaining space, in front, and on each side, is open to all persons who attend the Court, either on business or from motives of curiosity. After sitting a certain time, to receive miscellaneous petitions, I open the Court, by calling on the causes which are to come before me in regular order, according to previous advertisement given to the parties; but no other kind of forms or ceremonies are observed by me in opening or sitting in the Court.

14. Are there any private schools or seminaries in the district under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are those institutions maintained?

There are not any private schools or seminaries in the district under my jurisdiction, in which the Mahomedan or Hindoo law is taught.

15.—What is your opinion regarding the general moral character of the inhabitants of your division? Has the moral character of the inhabitants in general been improved, or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

My opinion regarding the general moral character of the inhabitants of this district is, that they are for the most part extremely indolent, ignorant and superstitious; pusillanimous, ungrateful, and not uncommonly revengeful; but selfishness, low cunning, litigiousness, avarice, a total disregard to truth, and insensibility to shame, appear to be the most prominent features in their general character. Taught from their infancy to consider the acquisition of wealth as the chief object of life, and bred up in the lowest arts of chicane and dissimulation, imposture, fraud and deception, seem to be considered by them as meritorious accomplishments; in the exercise of which they are indefatigable, where there is any prospect of gratifying the passions of avarice or revenge with success and impunity.

Hence results that reciprocal distrust which exists among the individuals of every tribe and even family, and which is not to be exceeded among any people. At the same time it must be admitted, that they in general possess dutiful affection for their parents, which stimulates them to use every necessary exertion for their support, when age or other circumstances render them incapable of providing for themselves. Nor among their good qualities should their sobriety, the happy effects of a religious principle, pass unnoticed. Spirituous liquors

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liquors are never used by the higher classes; and among the lower, the vice of drunkenness much more rarely occurs than could possibly be expected, considering the low price of arrack, and the facility with which it can at all times be procured. It does not appear to me, that the moral character of the inhabitants in general has been improved or otherwise, by the system established by the British Government, for the administration of the laws and for the conduct of the internal administration of the country; nor do I think the leniency of the British Government at all calculated to meliorate the moral character of men so prone to vice, and ready to take advantage of every species of liberty granted them.

16.—Are you of opinion, that the inhabitants in general of the district under your jurisdiction, consider their private rights and property to be secured by the present constitution of the country, against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

I am clearly of opinion, that the inhabitants in general of the district under my jurisdiction, consider their private rights and property to be secured by the present constitution of the country, against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals.

17.—Are you of opinion, that the district under your jurisdiction is in a state of improvement or otherwise, with respect to its population, cultivation, and commerce, and its buildings or other works for religious, domestic, or other purposes; and on what grounds do you form your opinion?

From every information I have been able to procure, I am of opinion, that the population of the district under my jurisdiction has increased considerably of late years; and that cultivation has been greatly extended within these last six years, owing perhaps in some measure to the division of the larger estates, and the greater degree of attention paid by the new proprietors to the improvement of their newly acquired property; but chiefly owing to the large sums of money advanced by European residents for the express purpose of cultivation, and the encouragement which their extensive concerns in indigo hold out to the indigent and industrious ryots. Except in the article of indigo, I know of no considerable increase or extension of any particular branch of commerce; nor of any buildings or other works, for religious, or domestic, or other purposes, except the numerous factories which have been erected by European residents, for the purpose of manufacturing that article. I form my opinion from personal observation, made in the course of various excursions into different parts of the district, during the periods of vacation; as well as from the conversation of the native inhabitants of all descriptions, and of Europeans who have been long resident in the district.

18.—Are you of opinion, that the inhabitants of the district subject to your jurisdiction, are in general satisfied with the British Government?

From the greater degree of security which the inhabitants enjoy in their persons and property under the British Government, in comparison with what they ever experienced under any former government, it is but reasonable to conclude, that those at least who are possessed with knowledge sufficient to make the comparison must be satisfied, and I firmly believe that the generality of the inhabitants are so; though I must own, that I have met with none who have spontaneously expressed this satisfaction; nor does it appear to me, that any sensible degree of gratitude or attachment to the present Government has been excited by a consideration of the manifold and superior advantage they enjoy under it.

19.—Is the present system of police well calculated to insure the apprehension of offenders.

In my opinion, the present system of police is not altogether so well calculated to insure the apprehension of offenders as it might be. The causes of its inefficiency, and the measures which I would recommend to be adopted for its improvement, are fully stated in my letter of the 22d June 1799 to the Committee of Police, a copy of which accompanied my address to Government of the 16th June 1800, transmitted through the medium of the secretary in the Judicial Department; and as it would swell this answer beyond all moderate bounds to make the necessary extracts, I trust I shall be forgiven if I take the liberty of referring to the letter itself for my sentiments on the subject in question.

20.—Are the police establishments in the district subject to your jurisdiction, adequate to the duties required of them?

From the great extent of country placed under the jurisdiction of each darogah of police, and the little assistance which they can in general be expected to derive from the exertions or abilities of from 10 to 15 paiks or burkundanzes; men of low description, whose pay seldom exceeds three rupees per month; I am induced to consider the Police Establishments in the district subject to my jurisdiction, as inadequate, at least to operate with any due degree of effect in the prevention of crimes, which I conceive to be a great object of such establishments.

21.—Are you of opinion, that the number of crimes committed annually in the district under your jurisdiction, has increased or diminished since the year 1793, and to what cause do you ascribe the increase or diminution?

The following is a statement of the number of Causes tried annually in the Fouzdarry Court of this district, from the year 1793 to the 31st December 1801, and in most of these

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Causes a greater or less number of offenders have appeared charged with crimes of enormity.

Tried in 1793	215
4	245
5	357
6	279
7	299
8	714
9	511
1800	1,054
1	1,157

From this statement it should appear, that the number of crimes committed annually in the district under my jurisdiction, has increased very considerably since the year 1793, without taking into consideration a great number which may be supposed to have been committed by persons, who have escaped in consequence of the difficulty which often attends the apprehension of offenders. It is remarkable, that no great increase occurs before the year 1798, prior to which, I am inclined to believe, that the majority of the ill-disposed part of the inhabitants of this district were in a great measure deterred from the commission of crimes, by the dread of incurring severe and uncertain punishments, and that they consequently desisted until they were able to ascertain the effects of the system of criminal jurisprudence established in 1793, as far as regarded the apprehension, conviction, and punishment of delinquents; but no sooner did they perceive the great chance of escaping apprehension under the new system of police, the difficulty of establishing guilt under the Mahomedan law, and the leniency with which that law was in general administered by the British Government, than the list of offenders began to increase. The causes therefore, to which I ascribe such increase, are, the want of a preventive and more efficient police; the difficulty of establishing guilt under the Mahomedan law, and the leniency with which that law is in general administered, particularly in cases where crimes of a heinous nature, if not of enormity, are punished by imprisonment; a punishment which probably, in consequence of our mild method of treating convicts, is regarded by the generality of the natives with perfect indifference, and at all events seems to produce little or no effect either by way of reformation or example.

22.—What crimes of enormity are most prevalent in the district under your authority; what is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

Gang robbery which is commonly accompanied by murder and arson, is the crime of enormity most prevalent in the district under my authority. Its prevalence I am inclined to ascribe to the causes stated in my answer to the 21st Interrogatory, to which, in a great measure I attributed the increase of crimes in general, but especially to the want of a more efficient and energetic police establishment. Nor do I know of any means which I can recommend to be adopted for the suppression of this crime, except such as may tend to perfectionate the present system of police, and such as I have already suggested in my letter above referred to, of the 22d of June 1799, to the Police Committee.

23.—Do the inhabitants in general of the district subject to your jurisdiction, keep arms in their houses; what descriptions of arms do they retain; and for what purposes are the arms retained?

The principal inhabitants, such as the zemindars, bankers, and some merchants, generally keep in their houses a few spears and swords, and sometimes a few matchlocks, for the purpose of defending themselves and property in case of attacks from decoits or robbers. The lower classes seldom keep any other kind of arms than wooden bludgeons of various descriptions, though some few keep the roybause, a long thin solid bamboo, pointed with iron, or the birchee, which is a long thin pointed iron rod, oftentimes forked at the end like a fishgig; and these they retain for the professed purpose of attacking or defending themselves from wild animals. The roybause, birchee, various kinds of spears, and sometimes swords, are the weapons most commonly found on decoits, but seldom or never matchlocks, or any kind of fire arms.

24.—Are there any brick or mud forts in your district; in what state are the forts; and what is the nature of their construction?

There are no forts of any description in this district, which can be considered as deserving of notice.

25.—What proportion do the Hindoo bear to the Mahomedan inhabitants in the district subject to your authority; and what do you suppose to be the number of the inhabitants of your district of all descriptions?

From every information that I have been able to procure, it should appear that the number of Hindoo bear nearly an equal proportion to the Mahomedan inhabitants in the district subject to my authority; and though I am not in possession of data sufficient to afford any accurate estimate of the total number of inhabitants of all descriptions; yet I am inclined to think it cannot amount to less than a million, which is allowing something less than 100 inhabitants to the square mile.

26.—What are the names of the persons possessing the highest rank, and the greatest opulence, in the district subject to your jurisdiction; what number of followers,

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followers, armed or otherwise, are they supposed to maintain in their service, and do they appear abroad with such followers armed?

There are no persons resident in the district subject to my jurisdiction, who can be considered as possessing any rank, except the Rajah of Cooch Behar. The most opulent inhabitants are the following, zemindars and merchants; of whom the former may be considered as more or less opulent, from the circumstance of their paying an annual revenue to Government of from twenty to seventy thousand rupees; and the latter, from their being reputed to possess property to the amount of from fifty thousand to a lack of rupees, and upwards; * Rajah Locknaut Nundy, of Baharbund; * Roy Danishmund, of Battasson; *Bamrooder Chondry, of Kankneah; Gopymohun and his brothers, of Surrooppore; Ranjendernarain, adopted son of Joydoorgah.

Chowdrain, of Montanah; Pubeetrah Chondram, of Bahmundanga; Joymoney Chondram, of Taipab.

Those marked by a star, are not actual residents in the district, but conduct their affairs through the medium of their gomastahs. The names of the merchants above alluded to, are, Molum Doss, the representative of Juggut Seat, Takeerchund Saha, Sunker Saha, Puddolochund Saha, Luckynarain Saha, and Mahotaub Roy. There are, doubtless, many other men of equal opulence in the district, but as the only information I can procure relative to the circumstances of any others, is grounded on vague and uncertain reports, I have not deemed it necessary to insert their names in the above list; most of these people maintain in their service, from four to ten, and some from ten to twenty followers, armed with swords, and sometimes matchlocks, for the purpose of escorting treasure, and protecting their property against decoits. The number they maintain varies in proportion to their property, and the degree of danger to be apprehended from the prevalence or otherwise of gang robberies, but none of them ever appear abroad with more than two or three of such armed followers, who in general carry swords, and run with their palanquins in the capacity of herkurrahs.

27.—Are there any persons in the district subject to your authority, supposed to be disaffected to the British Government; what are their names; and to what means do you resort for superintending their conduct; have these persons any influence in the district, and to what extent?

I know of no persons in this district who are supposed to be anyways disaffected to the British Government, nor of any whose conduct requires particular superintendancy, or who enjoy any considerable degree of influence in the district.

28.—Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

I am decidedly of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories and to confer titles and other marks of distinction on its native subjects. A wise and judicious distribution of titles and other marks of distinction, could scarcely fail of operating on the subjects as the strongest stimulant to merit, at the same time that it would afford Government the cheapest and most effectual means of rewarding it. And I am inclined to think that the revival of such distinction among the subjects of this Government would be attended with peculiar advantages, as being likely to excite among the higher classes a laudable spirit of emulation, which has long laid dormant, and to inspire them with sentiments of honour, the want of which is so very conspicuous in the general tenor of their conduct.

29.—What is the state of the roads, bridges, and other public works in the district under you authority, and at whose expense are they kept in repair?

The roads in the vicinity of this place are always kept in the best possible state of repair by the convicts; a party of whom are now employed in the annual repairs of the great western road leading to Dinagepore, and three other parties in making the three principal roads recommended in my address to Government of the 16th June 1800, through the medium of the Secretary to the Judicial Departments, which are in a state of great forwardness, and when completed will prove of the greatest benefit to the public, by facilitating the communication from all quarters to this station. The only bridges built of masonry in this district, are those on the great western road leading to Dinagepore, which were built last year by the orders of Government; and three in the town of Rungpore which require some repairs, and others on the roads in the vicinity of this place, which have been erected at different periods by and at the expense of the European residents at this station, and at whose expense they are also kept in a perfect state of repair. I beg leave however to state, that many more bridges will be requisite on the three principal roads above noticed, in order to render the communication perfect during the rainy season. The exact number I am unable to ascertain at present, but as soon as the necessary surveys are made, I shall do myself the honour of informing Government, and of transmitting an estimate of the expenses likely to be incurred in erecting them, for the approval and orders of Government on the occasion.

30.—How are the convicts in the district usually employed; and is there any manner of employing them, which appears to you preferable to the manner in which they are at present employed?

Exclusive of the employment stated in answer to the foregoing interrogatory, in which

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the convicts have usually been and are engaged, they have within these last twelve months been employed in digging a large tank and raising the circumjacent ground, in order to destroy the noxious effects of a swampy spot in the vicinity of this place; and in clearing, levelling and improving the streets of Rungpore and other places in its neighbourhood; nor is there any other manner of employing them which appears to me preferable to the manner in which they are at present employed.

31.—What is the state of the jail in your zillah?

The jail in my zillah is in excellent order in every respect.

32.—What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character in your zillah, commissions empowering them to act as Justices of the Peace? Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons; would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

In considering the expediency of granting to zemindars commissions, empowering them to act as Justices of the Peace, it must be admitted, that as their peculiar situations afford them the amplest opportunities of becoming intimately acquainted with the characters, conduct, and places of abode, of almost every individual residing within the limits of their respective estates, so no class of men have it more in their power to contribute to the suppression of crimes, to facilitate the apprehension of offenders, and otherwise to act with efficacy as officers of police. The investing them with such authority, appears also a measure well calculated to insure an effective co-operation of the present zemindarry establishment of village watchmen, and a due observance of the rules of Government contained in Section 14 of Regulation XXII, 1793, their total neglect of which has already been fully stated in my address of the 22d June 1799, to the Committee of Police. But however strongly these considerations tend to favour an opinion of the expediency of investing the zemindars with authority to act as Justices of the Peace, my knowledge and experience of the character, general conduct, and views of most men of this description, residing within the district under my charge, justifies me in giving it as my decided opinion, that any such authority entrusted to them would inevitably be perverted to purposes of oppression and extortion, and entail the worst consequences, unless it were delegated under the severest restrictions and penalties; and such indeed as is probable might deter them from accepting that office, if left to their own free choice. Instances are not uncommon of zemindars coming forward, through the medium of their gomastahs and other principal servants, with petitions in favour of offenders, and of their even offering to become bail for the most notorious characters, when apprehended by the police darogahs; and experience assures me, that, generally speaking, no consideration of the permanent interest which they have in the prosperity of the country, from the possession of landed property, serves to operate with any effect in restraining their rapacious and improvident dispositions to derive, by every species of oppression, temporary or immediate benefits at the expense of all future views to greater and more solid advantages.

If these objections have any weight in determining the expediency of entrusting such authority in the hands of zemindars, they must apply with still greater force against the farmers; who, while they derive equal benefits from oppressing the cultivators, have little or no interest in their future prosperity. As to any other persons of character in this zillah among the natives, I know of none with whom such authority could, in my opinion, be prudently or advantageously entrusted. The indiscriminate appointment of darogahs of police, from among all classes of the natives, and the trifling salary annexed to those offices, not having been calculated to impress men of respectability with the slightest hope of deriving any additional consequence or personal distinction from holding similar employments; it is not to be expected that views of this nature could induce persons of character and independent circumstances to take upon themselves the trouble of officiating as Justices of the Peace; and I apprehend, that none would be found to offer their services from an honest disposition of proving beneficial to the country, unalloyed by a much stronger desire of deriving improper advantages from undue exertions of the authority which may be annexed to the office. It is among the European residents alone that men are to be found in this district, whose characters and situations in life place them far above all such unworthy views, and whose own safety and interest in the tranquillity of the country, would prove a sufficient inducement to undertake and faithfully discharge the duties of such an office. In case either zemindars or farmers are empowered to act as Justices of the Peace, I think the extent of the jurisdiction of such persons should be confined to the estates or farms of the persons to whom the commissions may be granted.

33.—Are there any new rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

Exclusive of the rules already suggested for the improvement of the police, in my letter to the members of the Police Committee, no other rules or regulations occur to me which I could recommend to be adopted, as being calculated, in my opinion, for the suppression of crimes in general; unless some extension of the authority at present invested with zillah magistrates, for the punishment of persons who commit breaches of the peace, petty crimes and misdemeanors, might be considered as likely to promote the object in view.

34.—What

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Moorshedabad Division.

Zillah Rungpore, 13 April 1802.

34.—What has been the operation of the last Regulation respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes now levied on spirituous liquors have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

As far as I have been able to ascertain, from personal observation and enquiries, it does not appear that the last Regulation respecting the tax on spirituous liquors has operated with any obvious effect in checking the vice of drunkenness; nor am I of opinion that the establishment of the taxes now levied on spirituous liquors have rendered it more prevalent than it was previously to the establishment of those taxes?

35.—Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the district?

In the supposition that education alone forms the due basis of all improvements in morals, no measure occurs to me so likely to contribute progressively to the improvement of the moral character of the natives of this district, as the institution of public schools, under the auspices of Government, in which the higher classes might receive such an education as may be thought best calculated to instil virtue, and produce a beneficial influence on their habits and principles. But what species of encouragement on the part of Government would be necessary to induce the more respectable natives to admit of their sons being educated in so public a manner, I cannot pretend to say; neither am I at present prepared to suggest such rules and regulations as would be best calculated to give effect, and insure success to the institution of such public seminaries. All the lower, and indeed the middle classes of inhabitants, are so circumstanced, as, in my opinion, to preclude the possibility of any great number from among them ever acquiring the kind of education proposed.

36.—In your opinion, what has been the effect of the Regulation which declares persons convicted of the crime of perjury liable to be marked in the forehead?

In my opinion, the Regulation which declares persons convicted of the crime of perjury liable to be marked in the forehead, has produced little or no effect by way of example or determent, however it may have operated in reforming those on whom the stigma has been inflicted.

37.—What has been the operation of the punishment of transportation introduced by the British Government?

Judging of the operation of the punishment of transportation by the increase or decrease of the crimes for which it was intended as a punishment, no beneficial effects seem to have been produced by it, as it is evident that such crimes have greatly increased since the introduction of this punishment by the British Government. At the same time, I have reason to believe, that transportation for fourteen, or even seven years, is, in general, more dreaded than imprisonment for life; and that transportation for life is commonly dreaded as much as death itself: but whatever terror this kind of punishment may carry with it at present, I am clearly of opinion that it must decrease daily, and ultimately lose all its effects, when time shall have brought back to the country any of the convicts who have been transported for specific periods, however inconsiderable may be the number of those who return.

38.—Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or with too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

I am of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is in general administered with too much lenity; at the same time that the discretionary powers, with regard to the degrees of punishment, which lie in the hands of the native law officers, render it very liable to be administered with too much severity in many cases, which I have reason to think often happens. The consequence produced by the operation of the spirit in which the criminal law is, in my opinion, administered, is that species of disregard or contempt for the law itself, which serves as the greatest encouragement to offenders, and points out the expediency of fixing certain bounds to the discretionary powers of law officers in all cases, if not of revising the criminal code itself, and reforming it of many subtilties which it at present contains.

39.—What is the nature of the general conduct of the Europeans, not in the service of the Company, who reside within your jurisdiction?

The conduct of the Europeans, not in the service of the Company, who reside within my jurisdiction, has ever been of the most exemplary nature; and to them have I been often indebted for important information, and the country in a great measure for its present improved and improving state of manufactures, cultivation and commerce.

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Moorshedabad Division.

Zillah Rungpore, 13 April 1802.

40.—What is the general condition of the weavers and other manufacturers in your jurisdiction? Are the existing laws and regulations well calculated for insuring justice to the weavers and manufactures in their dealings with the officers of the Company, and with private European merchants; and also for enabling the officers of the Company, and to the individual European merchants, to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods?

The general condition of the weavers and other manufactures in my jurisdiction, but especially of the former, is, I believe, much the same as that of all the other inhabitants; who, with as little expense of labour as can well be imagined, are able to gain by cultivating the land, more than sufficient to procure the few necessaries of life which they require, and to maintain themselves and families independent of any other occupation or employment. A great proof of this, and at the same time of their extreme indolence or want of industry, is the difficulty which very frequently occurs in inducing them to receive advances for goods, however well assured they are of gaining a full and adequate compensation for their labour as manufacturers, without risking any material interruption of their occupation and pursuits as cultivators of the soil. Their chief inducement to labour as manufacturers seems to arise less from necessity, or motives of industry, than from a well known disposition (governed by custom) to engage more or less in the same business in which their forefathers have been occupied; and I am credibly informed, that out of thousands who have been accustomed to receive advances from the merchants for years together, few if any are found, like the manufacturers of most other countries, to express the least concern, or complain of suffering any consequent distress, when, from stagnation of trade or other causes, the merchants are obliged to withhold from them suddenly, or for any length of time, the usual supplies of cash for the provision of goods. The existing laws and regulations are perfectly well calculated for insuring justice to the weavers and manufacturers, in their dealings with the officers of the Company and with private European merchants; but neither the officers of the Company, nor private European or native merchants, have the same certainty of obtaining from the weavers and manufacturers the punctual performance of their engagements for the provision of goods. Few men of this description are possessed of any property, or if they are, it is so easily and so constantly transferred to their relations, whenever they receive notice of any intended prosecution for balances, that the merchant, in very few instances, is enabled to recover the money which he has advanced to them, and which they may have dishonestly appropriated to other purposes than those for which it was originally advanced.

Zillah Rungpore, 13th April 1812.

J. Wordsworth,
Judge and Magistrate.

Patna Division.

ANSWERS to the Interrogatories respecting the State of the Country, &c.—received from the Magistrates of this Division; viz.

Court of Appeal and Circuit; - -	dated the 19	Nov. - 1801.
City - - - - - - - - - -	13	May - 1802.
Zillah Sarun - - - - - - - -	16	Dec. - 1801.
D° - Behar - - - - - - - -	9	D° - - D°.
Acting Magistrate Shahabad - - -	11	D° - - D°.
Magistrate Zillah Ramgur - - - -	21	D° - - D°.
D° - - D° - Torhoot - - - - -	22	D° - - D°.

Received, per Cornet, 3d January 1803.

TO NEIL BENJ. EDMONSTONE, ESQ.

Secretary to the Government.

SIR,

WE have the honour to acquaint you, for the information of his Excellency the Most Noble the Governor General, that, in conformity to his orders, as communicated by you on the 20th ultimo, we have submitted to the Honourable the Vice President in Council, our specific Answers to the several Questions enclosed in your Letter of the above date.

2. Although his Excellency was not pleased to direct us to submit to him a Copy of our Answers, yet, as it occurs to us, that his being furnished with it may enable his Excellency to make such further enquiries into the subject as he may deem proper, and be the means of rectifying any mistakes or omissions on our part, we think it our duty to request that you will be pleased to lay before his Excellency the inclosed Copy of the Answers in question.

We have the honour to be, Sir,

Your most obedient humble Servants,

Patna, the 19th November 1801.

C^r Keating. *Arch^d Seton.*

The REPLIES of the Judges of the Provincial Court of Appeal and Court of Circuit for the Division of *Patna*, to the Questions transmitted on the 20th October 1801, by the orders of his Excellency the Most Noble the Governor General.

QUESTIONS.—1. What is the number of Appeals depending before your Court?

ANSWERS.—Eighty-four.

2.—What proportion does the number of Appeals now depending before your Court bear to the number of Appeals usually depending, during the several years commencing from the year 1793 to the present period?

This proportion appears from the following Statement:

STATEMENT of the number of Causes depending in the Provincial Court of Appeal, for the Division of *Patna*, on the 1st day of November of the following years.

1793	Causes	49
1794	D°	93
1795	D°	68
1796	D°	28
1797	D°	32
1798	D°	42
1799	D°	58
1800	D°	97
1801	D°	84
	TOTAL	551

Which gives, as the annual average of 9 years - - - 61 Causes.

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Court of Appeal and Circuit, 19 November 1801.

3.—What number of causes was decided in the past year, by your Court?

One hundred and sixty-six.

4.—What number of causes do you suppose must necessarily be depending before your Court; and what is the reason that the number of causes depending before your Tribunal, is not reduced as low as you think it might be reduced?

The average number of depending causes, taken on a medium of 9 years, viz. from the institution of the Court to the present time, may perhaps be considered as the number that must be "necessarily depending" before us. By the foregoing Statement (in the answer to the second question) it appears that this average amounts to 61, and that the number now depending is 84, consequently the number depending exceeds the average by 23. This increase may be attributed to the increased number of suits instituted; since it appears by the following Statement, that the causes filed during the two years ending on this day, the 1st November 1801, viz. 342, exceeds the number filed in the three preceding years, viz. 327, by 15.

STATEMENT of the number of Causes annually filed, from May 1793 to the 1st of November 1801, in the Provincial Court of Appeal from the Division of *Patna*.

		Causes.		
To the 1st of November	1793 filed	49		
D°	1794 D°	148		
D°	1795 D°	109		
D°	1796 D°	127		
D°	1797 D°	96	327	Excess 15
D°	1798 D°	115		
D°	1799 D°	116		
D°	1800 D°	189	342	
D°	1801 D°	153		
TOTAL		1,102		
Average of 9 years		122 Causes.		

In accounting for this increase of suits, we think ourselves warranted to say, it is our firm belief that it may be traced to a cause highly honourable to the British Government; viz. to the increased value of every species of property, but more especially of *landed* property, in the eyes of the natives, from their confidence in its security; which confidence leads them at present to prosecute for the recovery of rights, real or supposed, which in other times, and under other circumstances, they would not have considered as objects worthy attention. This confidence, we believe to have been greatly strengthened by the faithful adherence, on the part of Government, to the terms of the decennial settlement, which declared the land tax to be no longer liable to increase.

5.—Are you prepared to suggest the establishment of any rules which (consistently with the due administration of the laws) would expedite the decision of suits? Are you of opinion that the object would be in any degree promoted by leaving it optional to the different Tribunals to commit the depositions of witnesses, in causes not appealable to a higher Tribunal, to writing, or not, as the Judges may think proper?

However desirous we are of expediting the decision of suits, we cannot venture to recommend the measure of occasionally omitting to record the evidence of witnesses, as, in our opinion, it would be removing a very useful and salutary check, not only to retraction on the part of the witnesses, and to misrepresentation in the parties, but also to those errors and misconceptions in the Courts themselves, from which no human tribunal is totally exempt. We are therefore of opinion, that all evidence ought to be recorded; but, to guard against a wanton or exprecious abuse of this privilege, we beg leave to recommend that the testimony of two witnesses only should be allowed to be taken upon common paper; and that all the remaining depositions should be recorded upon such stamp paper as is applicable to the value of the suit. This measure would, we conceive, tend to induce the parties in suits to produce those witnesses only who might be necessary, instead of loading the proceedings, as is now the case, with depositions which are totally irrelevant to the matter at issue, with a view of gaining time, or practising chicane.

6.—Are you of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and of the Registers to sums exceeding 200 rupees? What is the amount to which you would recommend the Courts of the Commissioners and of the Registers should be extended; and to what degree would the general administration of justice, in the division subject to your jurisdiction, be expedited by the adoption of this arrangement?

As the decisions of the native Commissioners are, in no instance, final, we are not aware of any objection to extending their jurisdiction to suits for personal property not exceeding 100 rupees; which, besides relieving the Registers, would probably enable the Judges to find men better qualified for the office than many who have been hitherto employed, as the allowed perquisites would then be made considerable. The relief which this measure, if adopted, would afford to the Registers, would, we imagine, admit of their undertaking suits

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of a larger amount than those which are at present cognizable by them; which would have the further salutary effect of enabling the Judges to bestow more of their time and attention on objects of magnitude. We therefore recommend, that the Judges be authorized to refer to their Registers all suits for the recovery of real or personal property, the amount of which shall not exceed rupees 500; that an appeal lie (as is now the case) from the decisions of the Register to the Judge; that in matters of personal property, the amount of which does not exceed Rupees 200, the decision of the Judge be (as at present) final; but that in all matters whatever of real property, and in all cases of *personal* property, when the amount sued for *exceeds* 200 *rupees*, an appeal lie from the decision of the Judge to the Provincial Court of Appeal.

We are not prepared to state the degree in which the general administration of justice would be expedited by the adoption of this measure; but we are of opinion its operation would be great and salutary.

7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits; of the fees paid to the vakeels; of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of law suits to be too considerable, or otherwise?

That litigation has been checked by the establishment of fees, and that of stamp duties, is evident from *this*, that previous to the institution thereof, and while justice was administered gratis, which was the case from May 1793 to May 1795, the Courts were overwhelmed with numbers of wanton complaints, the greater part of which, in consequence of the establishment of the institution fees, and fees on exhibits, was either withdrawn or dismissed on nonsuit, without any attempt to reinstate them.

It does not appear to us that the several charges attending the institution of suits are too considerable; and yet it must be acknowledged, that the charges authorized by the Regulations are not the only expenses with which suitors are burdened, since, exclusive of regular pleaders to conduct the *forms* of the business, they must (especially in matters relating to *land*, *watercourses* or *inheritances*) employ *mokhtars* or agents well acquainted with their family affairs, and with local usages, to *instruct* those pleaders; which, of course, occasions an additional expense.

8.—Do the fees paid to the licensed vakeels, on suits instituted or defended by them, constitute a sufficient inducement to men of character, and of proper qualifications, to undertake those situations? Are the vakeels attached to your Court persons of the above description; and are they, in general, well acquainted with the printed Regulations?

Though the fees paid to the licensed pleaders be not heavy, yet, from the number of candidates (some of them respectable men) who are always desirous of being appointed to vacancies, it appears sufficient to attract attention, and sometimes to stimulate exertion. The present vakeels are, in general, men of respectable character, and some few of them are well acquainted with the Regulations, and apply them with judgment and accuracy.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the court the merits of the suits instituted?

It must be acknowledged, that the pleas urged by the authorized vakeels are frequently frivolous, and tend to create unnecessary delay; but as on such occasions they generally plead the express orders of their clients, it might be hard to throw the whole blame on the vakeel.

10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity?

No instance has as yet occurred in this Court, of any vakeel having failed to his client in point of honour or fidelity, we cannot, however, speak equally favourable of them in point of *attention*; and we therefore recommend, as a stimulus to exertion, that every Judicial Court be vested with the power of taxing the fees of such pleader as may appear to be guilty of gross inattention to the interest of his employer.

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

As far as we can judge, the principal inhabitants within our jurisdiction have but very faint and imperfect notions, either of the principles of British jurisprudence or of the laws of the country as they now stand, inchoated by British justice, policy and humanity.

12.—Are you prepared to state any alterations in the forms established for the trial of civil suits, which would expedite the decision of the suits, without endangering the due administration of the laws?

It does not appear to us, that any of the existing forms in civil suits could be abolished or abridged, endangering the due administration of the laws. That the forms in question may sometimes occasion unnecessary trouble and delay we are well aware; but we are of opinion, that their abridgement might lead to still greater inconvenience. If we only adverted to our own division, we might be induced to recommend, that the period fixed for preferring appeals to us from decision passed in the zillah courts should be limited to six weeeks, as being fully sufficient for the purpose; but as this may not be the case in other divisions, we do not think ourselves at liberty to propose it as part of a general arrangement.

13.—Have you in your Court-room any place allotted to the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons

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who attend your Court; and what forms and ceremonies do you observe in opening your Court or sitting in it?

There is in our Court-room a large raised platform, divided off for the bench of the Judge, the Register, the law officers, and other officers of the Court, as also for the parties and their pleaders, and for witnesses; the ceremony of opening and closing the Courts, consists in a proclamation made three times by the Nazir in an audible voice, notifying the period for which it is so closed or that it is again opened for business. The house, which is the property of Government, is large and well adapted to all its required purposes. But with a little alteration it might be rendered still more so, which shall be made the subject of a separate address to his Excellency the Most Noble the Governor General in Council.

14.—Are there any private schools or seminaries in the divison under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are those institutions maintained?

If there be any such schools or seminaries, their existence is unknown to us, nor have we any regular means of endeavouring to ascertain the point except by applying to the magistrates, who will of course, in reply to the question put to them directly by his Excellency the Most Noble the Governor General, submit to the Honourable the Vice President in Council, such information on the subject as they may be in possession of; and we therefore think it unnecessary to postpone our answer on this account.

15.—What is your opinion regarding the general moral character of the inhabitants of your division? Has the moral character of the inhabitants in general improved, or otherwise, by the system established by the British Government for the administration of the laws and for the conduct of the internal administration of the country?

We are not prepared to state with certainty, the effect which the British system of administering the laws, and conducting the internal government of the country, has had upon the moral character of the inhabitants of these provinces. We think it, however, fair to suppose, that the general purity of the system and the difficulty of attaining improper ends by unworthy means, must in time improve their moral character, and teach them to convert practices of low cunning and intrigue to habits of honest industry and exertion. To their conviction of the impartial administration of the criminal law since the commencement of the present system in 1793, it is perhaps to be attributed, that violent breaches of the peace (such as gang robberies) take place much less frequently now than formerly (that is than previously to 1793.)

16.—Are you of opinion that the inhabitants in general of the division under your jurisdiction, consider their private rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

We are of opinion that confidence is now completely established, and that the inhabitants of these provinces think themselves perfectly secure from any invasion of their private rights or property, even by the supreme executive authority; to the confirmation of this confidence, it appears to us, as already observed, that the declaration of Government respecting the permanency of the decennial settlement, must have greatly contributed; as we can assert, from our own knowledge, that previous to the proclamation to that effect, great doubts were entertained by the landholders. The great and beneficial effects of this confidence in the justice of Government are evident, from the considerable increase which has taken place in the value of land within these few years past.

17.—Are you of opinion that the division under your jurisdiction is in a state of improvement or otherwise, with respect to its population, cultivation, and commerce; and its buildings or other works, for religious, domestic, or other purposes; and on what ground do you form your opinion?

The cultivation of the land in our division has certainly increased greatly of late, and still continues to increase. We have also reason to believe, that population and commerce are upon the increase; but we have not the means of obtaining such satisfactory information on those points as could enable us to speak with accuracy or certainty on the subject. The religious buildings appear to us to be on the decline, in consequence of the natives having no longer the same means as formerly, of constructing edifices of that nature. The few which piety, superstition, or vanity, still finds means to erect, are, in general, poor and insignificant, when compared with those which used to be constructed in former times, when power and inclination went hand in hand. This observation appears to us also to hold good with respect to domestic buildings, few, if any, being now erected upon a grand or expensive scale.

18.—Are you of opinion that the inhabitants of the division subject to your jurisdiction, are in general satisfied with the British Government?

This question might lead to discussions of a very delicate nature. We have grounds to believe that many of the native inhabitants of this division are dissatisfied with the British Government. As, however, old habits and prejudices are not easily worn out, we do not think it unlikely that the principal inhabitants, especially the Mahomedans, may reflect with regret on the loss of their former privileges and advantages, and view with disgust that impartial principle of British Jurisprudence, which tends to lessen their consequence. In all probability, however, this sensation will in time subside, and give place to a conviction of the real advantages which they now possess, in the security of themselves, their families and property, under the protection of the British Government; especially

if

if the humane and enlightened policy of that Government takes measures for relieving the wants, and soothing the feelings of the representation of decayed families.'

19.—Is the present system of police well calculated to insure the apprehension of offenders?

It appears to us that the present system of police, if well administered, and supposing the establishments to be efficient, would be well calculated to insure the apprehension of offenders. We are, however, of opinion, that from the weakness of the establishments, the extensiveness of the jurisdictions, and the smallness of the salaries granted to the darogahs, the objects of the system are not completely answered. To give to the plan all the advantages of which it is susceptible, we recommend, either that the extent of the jurisdictions be diminished, or that the establishments be strengthened; as also that the salaries of the darogahs be increased, in order to render the office worthy of being held by men of respectability. Upon a former occasion we submitted it as our opinion, that the placing the police under the charge of respectable zemindars, would be attended with advantage, as Government would thereby secure a set of men whose estates might be considered as a sort of security for their good conduct, whose local knowledge must be accurate and extensive, whose influence must give them the means of checking criminal combinations, and detecting notorious offenders; and whose situation in life being above need, but not above the necessity of preserving respectability of character, occurs peculiarly to qualify them for the discharge of the duties of police officers. To this opinion we shall continue to adhere.

20.—Are the police establishments in the division subject to your jurisdiction, adequate to the duties required of them?

We are of opinion that the present police establishments are not adequate to the duties required of them, as stated at large in our reply to the foregoing questions.

21.—Are you of opinion that the number of the crimes committed annually in the division under your jurisdiction, has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

The accompanying detailed statement, marked (A.) which is taken from the records of our Court, specifies the number of persons found guilty of crimes punishable by the Court of Circuit, or the Nizamut Adawlut, during the last six years, commencing 1796; previous to that period none of the present Judges were members of the Court, and the mode in which it had been usual to keep the records, does not admit of our submitting, with sufficient accuracy, the same specific and detailed information which is given for the subsequent period.

The statement in question exhibits such only of the persons committed by the several magistrates, as have been ultimately found guilty at the half-yearly Sessions and the monthly jail deliveries for the city of Patna. As it specifies the number of crimes of each class, as also the number of delinquents convicted in each year at each station, our superiors will, we presume, derive more information from a reference to it, than from general observations submitted in any other form. It will appear that the number of persons found guilty in the years 1799 and 1800 respectively, exceeds that of the delinquents of any single preceding year.

To explain the increase of delinquents in the year 1798, compared with 1799, and that of 1799 compared with 1800, it is necessary to go into some detail, to shew the nature of the crimes, and the places or jurisdiction in which such increase has occurred. We take the year 1798, as exhibited in the statement, as a standard, omitting the current year, the business of which is not complete from the second Sessions, and four months jail deliveries not being yet entered upon; the result is exhibited in the following abstract:

The city of Patna exhibits for the year 1799, the following increase of delinquents punished; viz.—Administering poison 1; adultery 8; breach of trust 3; highway robbery and dekoity 17; theft 10.

And for 1800, an increase on 1799, as follows:—Assault, battery, and breach of the peace, high crimes and misdemeanors, 15; assault, battery, and wounding, 6; fraud 1; perjury and subornation of perjury 5; receiving stolen goods, knowing them to be stolen, 4; robbery, robbery and wounding, 5.

Zillah Shahabad exhibits an increase for 1799, as follows:—Assault, battery, breach of the peace, &c. 6; assault, battery and wounding, 11; burglary and housebreaking 1; highway robbery and dekoity 10; murder, accessary to murder, with other acts of atrocity, 23.

And for 1800, an increase on 1799, as follows:—Forgery 1.

Zillah Saram exhibits an increase for 1799, as follows:—Adultery 2; Assault and battery, breach of the peace, &c. 8; assault, battery and wounding, 7; burglary and housebreaking 14; perjury and subornation of perjury 1; stealing cattle 3.

And for 1800, an increase on 1799, as follows:—Adultery 2; burglary and housebreaking 20; perjury and subornation of perjury 2; receiving stolen goods, &c. 5; robbery, robbery and wounding, 3; theft 12.

Zillah Tirhoot exhibits an increase for 1799, as follows:—Assault, battery, breach of the peace, &c. 7; assault, battery and wounding, 9; perjury and subornation of perjury 1; theft 17.

And for 1800, an increase on 1799, as follows:—Coining 1; murder, accessary to murder, &c. 26.

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Answers by the JUDGES.

Patna Division.

Court of Appeal and Circuit, 19 November 1801.

Zillah Behar exhibits an increase for 1799, as follows:—Assault, battery, breach of the peace, &c. 12; burglary and housebreaking 3; highway robbery and Dekoity 5; murder, accessary to murder, &c. 1; rape 1; theft 16.

And for 1800, an increase on 1799, as follows:—Highway robbery and dekoity 34; perjury and subornation of perjury 4; receiving stolen goods, &c. 3; robbery, robbery and wounding, 1; theft 25.

Zillah Ramghur exhibits an increase for 1799, as follows:—Assault, battery, breach of the peace, &c. 2; assault, battery and wounding, 2; highway robbery and dekoitry 5; murder, accessary to murder, &c. 10; plundering villages, &c. 7; theft 5.

And for 1800, an increase on 1799, as follows:—Assault, battery, breach of the peace, &c. 4; forgery 1; murder, accessary to murder, &c. 9; plundering villages, &c. 35; theft 22.

It is necessary to observe, in the first place, that the above abstract does not exhibit an increase of *all* crimes; since those offences in which a *decrease* has taken place are omitted, as being less immediately connected with the question.

On a reference to the abstract in question, it will appear, that the following are the crimes of magnitude, in which an increase has taken place, viz.—Adultery, *assault and battery*, and *violent breaches of the peace, assault, batteries*, and *wounding*, burglary and housebreaking, highway robbery and dekoity, murder, being accessary to murder; together with acts of atrocity, perjury, and subornation of perjury, plundering villages, and carrying off crops, and theft. We have deemed it our duty to exhibit this increase in as detailed a manner as possible, for the information of our superiors. But in endeavouring to explain the causes of it, we confess ourselves at a loss; since the increase is neither confined to any particular zillah, nor to any particular crime by which we might be furnished with data for the information of our judgment, and enabled, with any degree of accuracy and precision, to trace the increase to some possible cause; possibly the more perfect and detailed knowledge which the several magistrates possess of the character and conduct of the inhabitants within their respective jurisdictions, may furnish them with the means of supplying this deficiency in submitting their replies to this question.

22.—What crimes of enormity are most prevalent in the district under your authority? what is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

In answer to the preceding question, we have detailed the several crimes of enormity which are most prevalent, distinguishing such as are on the increase. To avoid repetition and prolixity, we beg leave to refer to that answer, instead of here recapitulating its contents.

In that answer we have confessed ourselves at a loss how to account for the increase in the commission of certain crimes; their prevalence may, we think, be ascribed to various causes, some of which are of a general, and some of a particular and local nature. That burglary should frequently take place in a country where the houses of a greater part of the inhabitants are only protected by slight doors or mats, and where the houses themselves are constructed of mud, is a thing rather to be lamented than wondered at. That in a climate where irrigation is absolutely necessary to render the soil productive, disputes about the right to watercourses should frequently give rise to serious broils is also to be expected; with respect to some of the other crimes of magnitude, we think their prevalence may be ascribed to particular causes, of a local nature, in different parts of the country. In Patna, for example, and its vicinity, they probably originate in these loose, idle and vicious habits, which are generally found in and near large cities. In Ramghur murder is frequently committed from the ignorance and superstition of the inhabitants, who often put people to death from a belief that they possess the power of magic, and make a destructive use of it. The number of crimes in zillah Behar may perhaps be ascribed to the great concourse of pilgrims whom piety or superstition attracts to Ghya; such wealth as these persons possess is generally composed of money, jewels, cloth, or other personal property, which holds out to avarice a temptation that receives an additional stimulus from the defenceless condition of the greater part of the owners. Exclusive of this, it may be observed, that frays and breaches of the peace may naturally be expected to arise in the vicinity of a place like Gya, where a number of foreigners is frequently assembled. To pursue this subject further, by endeavouring to account for the prevalence of every species of enormous crimes, would lead to details beyond what, we believe, we are now expected to furnish.

With respect to "the best mode of *suppressing* these crimes," we beg leave to refer to our reply to the 19th Question on the subject of the Police; and also as being still more immediately connected with the present answer to our reply to the 33d Question, where the subject in point is discussed at large. We have only to add, in general, that the vigilance of the magistrates may, we conceive, do a great deal towards the prevention as well as the detection of crimes, both by their own personal exertions in the discharge of their duty, and by unceasingly watching over the conduct of their police officers.

23.—Do the inhabitants of the division under your jurisdiction keep arms in their houses; what description of arms do they retain; and for what purposes are the arms retained?

We have not the means of ascertaining what description of arms the inhabitants keep in their houses, without having recourse to measures which would probably create a general alarm. We believe, however, that, in conformity to the known custom of the country,

every

every native, however low his degree, is provided with a sabre; and that men of rank and condition keep arms of various sorts in their houses. But we have not the smallest grounds for believing, that in either case they are retained from mischievous or offensive motives. It is well known, that the being attended by an armed retinue forms part of the state of men of rank in this country, when they appear abroad. We recommend, however, for the reasons stated at the conclusion of our answer to the 33d Question, that when the attendants of natives of rank exceed a certain number, their masters be obliged to register them, and to be answerable for their good conduct.

24.—Are there any brick or mud forts in your division. In what state are the forts; and what is the nature of their construction?

It is not in our power to give an accurate or satisfactory answer to this question, without a reference to the magistrates of the several zillahs composing our division. But this deficiency will of course be supplied by those answer of the officers.

25.—What proportion do the Hindoo bear to the Mahomedan inhabitants in the division subject to your authority; and what do you suppose to be the number of the inhabitants of your division, of all descriptions.

We have not the means of ascertaining either the absolute population of the inhabitants of our division, or the relative population of the Hindoos with respect to the Mahomedans, without making enquiries through the magistrates, which might occasion disquietude in the minds of the community; and even then, as there are no registers of births kept, our information must be vague and inaccurate.

26.—What are the names of the persons possessing the highest rank and the greatest opulence in the division subject to your jurisdiction? What number of followers, armed or otherwise, are they supposed to maintain in their service; and do they appear abroad with such followers armed?

To the best of our knowledge the following are the names of the persons possessing the highest rank in this division.

Inhabitants of Patna.—The Nabob Kurreen Cooly Khan, Nabob Abbas Cooly Khan (sons of the late Nabob), Mummeer ul Doulah, Rajah Coor Dowlut Sing (son of Moh Rajah Cullean Sing), Rajah Bussunt Roy, Syr Mahomed Banker Khan, Abboo Mahomed Khan (son of the late Behader Beg) Mahomed Hoossim Khan, Mahomed Cawzin Khan, Corbain Ali Khan, Ahmud Hussum Khan, Sirfray Khan.

Inhabitants of Behar proper.—Rejah Mitterjeet Sing, Mehedy Ali Khan (grandson of the late well known Ghulaum Hobsseyn Khan), Rajah Futch Nerain, the heirs of the late Rajah Ghulaum Hoossim Khan, Rajah Ram Sing.

In zillah Sarm.—Rajah Beerkisore Sing, the family of the late Rajah Seree Kishur Sing, Baboo Chutter D'harry Sing, Bheya Madho Kam.

In zillah Tirhoot.—Rajah Madho Sing, Shaikh Ahmud Hoossim Baboo Runjut Sing.

In zillah Ramghur.—Rajah Nunnee Naut Sing, the Rajah of Palamoro.
the Rajah of Juldah.

In zillah Shababad.—Rajah Bickerma Yut Sing, Baboo Doost Dowun Sing, the heirs of the late Baboo Bhoop Nerain Sing, Roy Hurbuncze Roy (son of the late Rajah Mull).

There are also several opulent bankers in Patna and elsewhere.

Of the persons above specified, some, though men of rank by birth, are by no means opulent, but, on the contrary, in distress. Such, for example, are Corborm Ali Khan, and Ahmud Hossim Khan; both of whom, though descended from the former Nazims of these provinces, are at present in very indigent circumstances.

27.—Are there any persons in the division subject to your authority, who are supposed to be disaffected to the British Government? What are their names; and to what means do you resort for superintending their conduct? Have these persons any influence in the division, and to what extent?

We are not aware that there are at present any persons in our division who are disaffected to the British Government.

28.—Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government, to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

We certainly think, that the British Government's declaring itself the sole source of honour within its Indian territories, and its conferring titles and other marks of distinction on its native subjects, would be attended with most salutary effects, more especially if those titles conveyed certain honorary privileges, and were, on some occasions, accompanied by pensions. By pleasing the feelings and gratifying the innocent vanity of the persons so distinguished; their minds would be gradually, but effectually, weaned from that respectful attachment which many of them still bear to the memory of the former system, and the British Government would daily increase in that species of useful popularity which may tend to add to the stability of its dominion in the East. This appears to us to be a measure not only of sound policy, but also of great humanity; as it would eventually be the means of relieving the distress of many of the descendants of respectable, but decayed families, with-

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Court of Appeal and Circuit, 19 November 1801.

out adding to their political consequence, or rendering them dangerous to the established Government, since they would be solely indebted to it, for the comfort or privileges which they might enjoy.

29.—What is the state of the roads and bridges, or other public works, in the division under your authority, and at whose expense are they kept in repair?

With respect to the state of the roads and bridges it is not in our power to furnish satisfactory information; it will, however, of course be supplied by the magistrates of the several zillahs.

30.—How are convicts usually employed; and is there any manner of employing them, which appears to you preferable to the manner in which they are at present employed?

The convicts are in general employed in repairing the roads in the vicinity of the jails, where they are respectively confined. As the difficulty of preventing their escape, if carried to a distance from the jails, appears to us to be a strong objection to that measure, we know not that they could be more usefully or safely employed than in labouring at such work, near their respective places of confinement, as may be conducive either to the health or to the convenience of the community; viz. in making or mending roads, digging tauls, clearing away thickets, or the like; more especially as, generally speaking, they are utterly unfit for such work as requires manual skill or dexterity.

31.—What is the state of the jails in your division?

When the alterations which, with the sanction of Government, are now making in the jails at Patna, Chittra, and Gya, are completed, they will in every respect correspond with the provisions of the 9th Regulation of 1793.

The jails at Arrah and Chuprah are merely constructed of mud, and situate in the middle of the bazars of the towns to which they belong. We recommend that new jails be constructed at those stations with as little delay as possible. The jail at Muzzufferpoor is situated on a high, open, and healthy spot; but being built merely of mud, is very insecure, as is evident from several convicts having effected their escape from it. We think it our duty to recommend, that a secure and substantial jail, constructed upon the plan laid down in the 9th Regulation of 1793, be also erected at Muzzufferpoor.

32.—What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character, in your division, commissions empowering them to act as Justices of Peace? Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons; would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

Although there are, no doubt, some zemindars and farmers whose character and conduct are sufficiently respectable to lead us to suppose that, if appointed Justices of the Peace, they would not abuse the power; yet their number is so limited, and the temptation to which they might be exposed so great, that we do not feel ourselves prepared to recommend the adoption of the measure as part of a general system. Those to whom such commissions might be granted, would certainly have the means of oppressing, not only their own immediate dependants, but also those of their neighbours; and even of harassing their neighbours themselves, when their interests chanced to clash, which might frequently be the case, from claims to disputed watercourses, reservoirs, or boundaries. On such occasions we cannot but be apprehensive that, if vested with the power which commissions of Justice of the Peace would convey, motives of self-interest or pique might possibly lead them to abuse it; and we are therefore of opinion, that the placing them in that predicament would not be advisable.

We do not, however, conceive that the same objections can be urged to being employed as police darogahs, if well qualified for the situation; since, in that capacity, their functions would be merely of a ministerial, and not of a judicial nature.

33.—Are there any new rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

It appears to us, that the vesting greater powers in the magistrates would be conducive to the suppression of crimes. At present they are not allowed in any case to levy fines; and it is only in cases of theft, that they can, of course, sentence persons convicted of the most serious frays to a short imprisonment, unless, indeed, in cases where one or other of the parties has been wounded; but to persons, such as those who are usually concerned in broils, mere imprisonment is in fact no punishment. We recommend, therefore, that the power of fining or of inflicting corporal punishment on such persons, be vested in the magistrates; more especially as the promptness of such punishment would greatly add to its effect, not only on the mind of the culprit himself, but upon the community at large, and consequently would operate as a salutary example, which is the most useful and desirable end of all punishments. We are also of opinion, that it would contribute to the maintenance of good order, if all the inhabitants of all large cities were registered, together with their respective occupations; and if all strangers, and the persons with whom they might reside, were obliged to report themselves immediately to the magistrates of the cities at which they might arrive. By the adoption of this measure, the magistrates of cities would be made acquainted with the condition and probable means of subsistence of all the inhabitants, and enabled to distinguish such as gained their livelihood by honest industry from idlers and vagabonds. We are also

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of opinion, that when the followers or retainers of natives of rank exceed a certain number to be fixed at the discretion of the magistrates, their masters ought to be obliged to deliver in a list of their names, and to be in some measure answerable for their good conduct. This measure, if adopted, would possibly induce natives of rank to be attentive to the character and demeanor of their servants and retainers.

34.—What has been the operation of the last Regulation respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes now levied on spirituous liquors, have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

We are of opinion, that the tax on spirituous liquors has been attended with most salutary effects. By rendering the means of intoxication less easily procurable, it must no doubt have diminished the vice. We therefore consider this tax as highly beneficial, both to the health and to the morals of the lower classes of inhabitants, and as contributive to the prevention of broils and breaches of the peace. So important to the maintenance of good order and to the comfort of society do we deem these advantages, that the circumstance of the tax being a productive branch of the public revenue, appears to us to be, however desirable, only a *secondary* consideration, when compared with the benefits which the police derives from its establishment.

35.—Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the division?

It is not to be expected that the moral character of the lower classes of the inhabitants can be improved by the operation of any of those finer impulses which actuate liberal or enlightened minds. We are rather of opinion that the probability of detection, and the certainty of punishment, if detected, will be found the most effectual means of progressively improving their moral character, by gradually weaning them from bad habits. As the *prevention* of crimes is an object still more important than their *detection*, and as idleness and want of employment are the principal promoters of vice, we are of opinion that the encouragement of whatever might tend to diminish *these*, would be attended with beneficial consequences; such, for example, would be the establishment of schools, for teaching the lower or middle classes whatever is practically useful towards procuring a livelihood, and the endeavouring to give employment to all classes of men who are willing to be industrious.

36.—In your opinion, what has been the effect of the Regulation which declares persons convicted of the crime of perjury liable to be marked on the forehead?

The law which brands the foreheads of perjurers with a conspicuous mark of infamy we consider as highly proper. Unfortunately, the natives of this country do not attach to this dangerous crime, that idea of infamy and moral turpitude which ought to be inseparable from it. The proofs which the Mahomedan law requires to establish the offence, are, moreover, such as can seldom be obtained; and, even if proved, the punishment which that law awards is by no means adequate to the magnitude of the crime. We are therefore of opinion that the infliction of a personal stigma is productive of the best effects, by FORCING, in a manner, the whole community to consider the offender as infamous and degraded.

37.—What has been the operation of the punishment of transportation introduced by the British Government?

We consider the punishment of transportation as most salutary in its effects, especially with respect to Hindoos, whose religion and habits tend to attach them strongly to their native spots. To such persons, therefore, we are of opinion that the punishment of transportation is frequently worse than death; and even to Mahomedans it must be rendered dreadful, by the gloomy and dreary obscurity which hangs over the fate of men separated from their families, and removed to a distant and unknown region across the sea. For these reasons we consider transportation as a mode of punishment peculiarly well adapted to this country.

38.—Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

The following are the principal innovations made by British policy and humanity on the Mahomedan criminal law, viz. The abolition of mutilation and of all barbarous punishments (such as impaling, &c.) the depriving the heirs of murdered persons of the dangerous power of pardoning murderers, and the making the guilt or innocence of persons charged with murder depend rather upon the evident *intention* of the prisoner, than upon the nature of the *weapon*.

These alterations we consider as great improvements on the Mahomedan criminal law, as it originally stood; and we are of opinion that the mode in which that law, so meliorated, is now administered, is productive of consequences highly beneficial, from the certainty of *detection* being followed by *punishment*. Further improvements may no doubt be made, as cases occur; since it is the duty of all Judges of Circuit to submit all such cases to the consideration of the Court of Nizamut Adawlut.

39.—In what period does the Judge, who makes the half-yearly jail deliveries, usually complete the circuit?

The circuit of the Judge who holds the half-yearly jail deliveries, is usually completed in two months and a half.

(A.)

Detailed STATEMENT of the number of Delinquents found guilty and punished by the Provincial Court of Circuit for the Patna, commencing with the year 1796; specifying the number and nature of the various Offences, and the number of Delinquents

CITY and ZILLAHS of	PATNA.							SHAHABAD.							SARUN.						
CRIMES.	1796.	1797.	1798.	1799.	1800.	1801.	Total.	1796.	1797.	1798.	1799.	1800.	1801.	Total.	1796.	1797.	1798.	1799.	1800.	1801.	Total.
Administering Poison	-	-	-	1	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Adultery	-	-	-	8	2	4	14	-	-	2	-	-	-	2	-	-	-	2	4	-	6
Arson	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Assault & Battery, Breach of the Peace, &c.; High Crimes and Misdemeanors	5	22	17	-	15	-	59	1	13	3	9	-	1	27	-	-	1	9	3	4	17
Assault, Battery, and Wounding	3	4	2	-	6	2	17	1	1	12	23	-	-	37	-	-	-	7	1	-	8
Assault, Battery, and Ravishing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Breach of Trust	-	-	-	3	-	-	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Burglary and Housebreaking	3	3	9	4	-	-	19	1	3	-	1	1	-	6	1	1	1	15	35	3	56
Coining, and uttering base Coin	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1
Fornication	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Forgery	1	1	-	-	-	-	2	-	-	-	-	1	-	1	-	-	-	-	-	-	-
Fraud	-	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Highway Robbery, and Dekoita	-	-	3	20	-	-	23	-	-	-	10	-	5	15	-	-	8	6	6	-	20
Homicide	-	1	-	-	-	-	1	-	-	6	-	-	-	6	-	-	1	-	-	-	1
Murder, Accessary to Murder, with other acts of atrocity	1	1	5	1	1	1	10	-	1	5	28	6	-	40	11	-	2	2	1	2	18
Perjury; Subornation of Perjury	6	-	14	1	6	5	32	2	-	2	-	-	-	4	-	-	-	1	3	-	4
Plundering Villages, Crops, &c.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Rape	-	1	-	-	-	-	1	-	1	-	-	-	-	1	-	-	-	-	-	-	-
Receiving stolen Goods, knowing them to be stolen	10	1	6	3	7	1	28	-	1	2	1	-	1	5	-	1	-	-	5	-	5
Robbery, Robbery and Wounding	-	1	1	-	5	6	13	-	-	-	-	-	-	-	-	-	-	-	3	-	3
Stealing Cattle	-	-	-	-	-	-	-	-	6	2	-	-	-	8	-	-	-	3	-	5	8
Theft	90	28	31	41	40	18	248	32	13	20	15	7	-	87	14	18	27	11	23	5	98
TOTAL	119	63	88	89	83	37	472	37	38	58	89	17	7	239	26	20	40	56	84	19	245

Of the above, the Trials and Sentences took place as follows:

In the Years	Number of Trials.	Number of Delinquents punished.
1796	239	391
1797	150	267
1798	195	368
1799	195	437
1800	218	492
First Sessions of the year 1801, and City of Patna Monthly Sittings, for eight months of the same year	79	131
	1,076	2,086

(A.)

Division of Patna, or by the Nizamut Adawlut, in the past eleven Sessions, in the Zillahs, and at the Jail Deliveries for the City of convicted of each annually, in the City of Patna, and in each of the several Zillahs comprising the Divisions of Patna.

TIRHOOT.							BEHAR.							RAMGHUR.							Total Delinquents found guilty and punished for each Crime.
1796.	1797.	1798.	1799.	1800.	1801.	Total.	1796.	1797.	1798.	1799.	1800.	1801.	Total.	1796.	1797.	1798.	1799.	1800.	1801.	Total.	
-	4	-	-	-	-	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5
-	-	-	-	-	-	-	-	2	2	-	-	-	4	-	4	-	-	-	-	4	30
-	-	-	-	-	-	-	-	-	1	-	-	-	1	1	-	-	-	-	-	1	2
2	4	-	7	-	1	14	19	-	17	29	24	11	100	-	2	-	2	6	-	10	227
3	-	-	9	-	-	12	18	6	9	3	-	4	40	-	1	-	2	1	-	4	118
-	-	-	-	-	-	-	3	-	-	-	-	-	3	-	-	-	-	-	-	-	3
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3
10	7	2	2	-	-	21	14	15	16	19	19	2	85	-	4	8	1	1	-	14	201
-	-	-	-	1	-	1	-	-	2	-	-	-	2	-	-	-	-	-	-	-	4
-	-	-	-	-	-	-	2	-	-	-	-	-	2	-	-	-	-	-	-	-	2
-	-	-	-	-	-	-	-	1	-	-	-	-	1	-	-	-	-	1	-	1	5
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
-	-	-	-	-	-	-	3	2	5	10	44	-	64	11	10	-	5	-	-	26	148
-	5	-	-	-	-	5	-	4	5	-	-	-	9	-	-	-	-	-	-	-	22
13	1	1	1	27	1	46	15	9	12	13	4	1	54	8	-	2	12	21	7	50	218
7	-	-	1	-	-	8	4	3	1	1	5	3	17	-	-	-	-	-	-	-	65
-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	17	9	16	51	9	104	104
-	-	-	-	-	-	-	-	-	-	1	-	-	1	-	-	-	-	-	-	-	3
-	-	1	-	-	-	1	2	3	9	1	4	-	19	-	-	-	-	-	-	-	38
-	-	5	-	-	-	5	-	-	29	-	1	3	33	-	-	7	-	-	-	7	61
5	2	-	-	-	-	7	2	-	2	-	-	7	11	3	-	-	-	-	-	3	57
23	9	8	25	3	2	70	20	28	24	40	65	16	193	17	8	5	10	32	1	73	769
65	32	17	45	31	4	194	102	73	134	117	166	47	639	42	46	31	43	113	17	297	2,086

Note.—The whole of the Delinquents above specified, viz. 2,086, were comprised in 1,076 Trials.

Cr. Keating,
Archd Seton.

No. 1.

Answers by the JUDGES.

Patna Division.

City of Patna, 13 May 1802.

To G. DOWDESWELL, Esq.

Secretary to Government in the Judicial Department, at Fort William.

SIR,

I HAVE the pleasure to enclose my Answers to the Questions proposed to me by his Excellency the Most Noble the Governor General, on the 22d of October last.

I have the honour to be, Sir

Your most obedient Servant,

J. S. Douglas,
Judge & Magte.

Patna,
13th May 1802.

The ANSWERS of the Judge and Magistrate of the City of *Patna* to the Questions put to him on the 22d of October 1801, by his Excellency the Most Noble the Governor General.

1.—What is the number of causes now depending before you, before your Register, and before the native Commissioners?

At the time the last Report was made, which was on the 1st of January 1802, the causes depending were as follow:

Before the Judge	769
Before the Register	1,080
Before the native Commissioners	272
	2,121

2.—What proportion does the number of causes now depending before the three tribunals of the Judge, the Register, and the native Commissioners, bear to the number of causes usually depending during the several years commencing from the year 1793 to the present period?

The average of the number of causes depending at the end of each year, from 1793 to 1800, is 2,250; and the number of causes remaining undecided at the end of 1801, is 2,121. The jurisdiction of this Court has been enlarged by the addition of three pergunnahs since the year 1798; otherwise the number of undecided causes at the end of 1801 would have been much smaller.

3.—What number of causes was decided in the past year by you, by your Register, and by your native Commissioners?

From the 1st of January 1801 to the 1st of January 1802, the number of causes decided is as follows:

By whom Decided.	Decreed on Trial.	Dismissed on Nonsuit.	Adjusted by Razinamahs.	TOTAL.
Judge	104	4	49	157
Register	108	6	26	140
Native Commissioners	165	91	48	304
				601

4.—What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the native Commissioners; and what is the reason that the number of causes depending before those tribunals respectively is not reduced as low as you think it might be reduced?

The number of causes now depending is reduced as low as it can be, unless the plan proposed in the Answer to the sixth Question is adopted, which would have a very great effect in that way.

5.—Are you prepared to suggest the establishment of any rules, which (consistently with a due administration of the laws) would expedite the decision of suits? Are you of opinion, that this object would be in any degree promoted by leaving it optional in the different tribunals to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing, or not, as the Judges might think proper?

No rules which would tend to expedite the decision of causes at present occur to me. The object would be very little promoted by not committing to writing the depositions of witnesses in suits not appealable to a higher tribunal; as, besides its being liable to objections, the suits of this description are so very few, that the effect would hardly be perceived.

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6.—Are you of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding rupees 200? What is the amount to which you would recommend the jurisdiction of the Courts of the Commissioners and of the Registers should be extended; and to what degree would the general administration of justice in the city subject to your jurisdiction, be expedited by the adoption of this arrangement?

I am of opinion that it is not only advisable, but absolutely necessary, to extend the jurisdiction of the native Commissioners to suits not exceeding rupees 100, and that of the Registers to suits not exceeding rupees 300. The administration of justice would thereby be expedited a third more at least, and the speedy decision of suits would check litigiousness in a very considerable degree.

7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of law suits to be too considerable, or otherwise?

There is not a doubt that the expenses specified in this question have given a considerable check to litigiousness; and I do not think that they are by any means too heavy.

8.—Do the fees paid to the licensed vakeels, on suits instituted or defended by them, constitute a sufficient inducement to men of character and of proper qualifications to undertake those situations? Are the vakeels attached to your Court persons of the abovementioned description, and are they in general well acquainted with the printed Regulations?

I am afraid that the fees in question are not a sufficient inducement to men of character, and who are possessed of a knowledge of the Mussulman and Hindoo laws, to become vakeels. Let me add, that the tax of 5 per cent. on the fees is trifling to Government, but irksome to the vakeels. The vakeels of this Court are men of good character for natives; but they are, in general, ignorant of the Mussulman and Hindoo laws, and they are not so well acquainted with the printed Regulations as could be wished.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

It has had some effect, but not in that degree which might have been expected. The natives have but a very imperfect knowledge of the forms, precision and brevity requisite in pleadings; and the parties trust too little to the vakeels in these points.

10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity?

I do not recollect any instance of the contrary having been proved; but frequently a want of zeal, and generally a deficiency of activity, are observable.

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

The principal inhabitants are as well acquainted with the Mussulman and Hindoo laws as persons who have not made them their particular study can be supposed to be; but they have very little knowledge of the Regulations of Government.

12.—Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

No necessary alterations of the existing forms occur to me at present.

13.—Have you, in your Court-room, any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court or sitting in it?

In the Court-room places are allotted for the bench of the Judge, for the officers of the Court, for the parties and their vakeels, for the witnesses, and for all persons who choose to attend the Court. No particular forms are observed in opening the Court nor in sitting in it.

14.—Are there any private schools or seminaries in the city under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are those institutions maintained?

I believe that there are not any regular private schools or seminaries, in which the Mussulman or Hindoo laws are taught; students in this branch of knowledge are instructed by private tutors.

15.—What is your opinion regarding the general moral character of the inhabitants of your city? Has the moral character of the inhabitants in general been improved, or otherwise, by the system established by the British Government for the administration of the laws and for the conduct of the internal administration of the country?

The moral character of the inhabitants is very far from being good, nor does it seem to be in a state of improvement, but rather the contrary. Drunkenness, a vice which was formerly almost unknown, now prevails in a very shocking degree. Housebreaking, robberies

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and thefts, which were formerly confined to a certain description of persons, are now committed by men whose castes and situation in life should seem to preclude them from being guilty of these crimes. The inhabitants appear to be losing gradually their veneration for many parts of their religion. There is some radical defect in their religion and education, the bad effect of which can only be counteracted by the severity of the laws, which are at present administered in too lenient a manner, I think.

16.—Are you of opinion that the inhabitants in general of the city under your jurisdiction, consider their private rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

I believe that the inhabitants in general are perfectly satisfied that the present constitution of the country has every tendency to secure their private rights and property from infringement by individuals, by the officers of Government, and even by Government itself.

17.—Are you of opinion that the city under your jurisdiction is in a state of improvement, or otherwise, with respect to its population and commerce, and its buildings or other works, for religious, domestic or other purposes, and on what grounds do you form your opinion?

I am of opinion that Patna is in a state of improvement, with respect to its population and houses; and I judge from my own observation, and from report. I have not observed any new religious buildings; and many of the old ones are falling into decay. I am not able to form any correct judgment of the state of commerce, as, there not having been any custom-house established here till very lately, it has been impossible to obtain any accurate knowledge of the imports and exports.

18.—Are you of opinion that the inhabitants of the city subject to your jurisdiction, are in general satisfied with the British Government?

I believe that the inhabitants of Patna are, in general, perfectly satisfied with the British Government.

19.—Is the present system of police well calculated to insure the apprehension of offenders?

I think that the present system of police in Patna is so far defective, that the magistrate is not authorized to offer a reward for the apprehension of offenders till he obtains an order of Government for that purpose, by which much time is lost, and the effect of the measure is in a great measure done away; neither is the magistrate empowered to pay money for intelligence. For what I have to propose on this subject, I beg leave to refer to my answer to the 31st Question.

20.—Are the police establishments in the city subject to your jurisdiction, adequate to the duties required of them?

I think that the police establishments in the city are adequate to the duties required of them, but this is not the case with the tannahs of Futwah and Baukipoor, which having been lately extended, the establishments of them ought to be increased. It is my intention to address Government on this subject.

21.—Are you of opinion that the number of the crimes committed annually in the city under your jurisdiction, has increased or diminished since the year 1793, and to what cause do you ascribe the increase or diminution?

The number of crimes has certainly increased of late years. It appears to me, that the causes are, the increased depravity of the morals of the inhabitants, as described in my answer to the 15th Question, and to the want of sufficient severity in the administration of the criminal laws.

22.—What crimes of enormity are most prevalent in the city under your authority? what is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

Thefts are very frequent, and housebreaking and robbery happen now and then. The number of complaints for assault and battery, and abusive language, is most astonishing; and drunkenness prevails in a shocking degree. For the means of suppressing these crimes, I beg leave to refer to my answer to Question the 31st.

23.—Do the inhabitants of the city under your jurisdiction, keep arms in their houses; what description of arms do they retain; and for what purposes are the arms retained?

The inhabitants in general keep arms (tulwars chiefly) in their houses. The custom of the country is, for every person to have a tulwar for his defence; but it very rarely happens that they ever use them when attacked by robbers; they allege that it is prohibited to kill a robber, even in defence of themselves, though this is merely to conceal their want of resolution.

24.—What proportion do the Hindoos bear to the Mahomedan inhabitants in the city subject to your authority; and what do you suppose to be the number of the inhabitants of your city of all descriptions?

The Hindoos are in the proportion of ten to one Mussulman, and the number of inhabitants is about 250,000, I believe.

25.—What

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25.—What are the names of the persons possessing the highest rank and the greatest opulence in the city subject to your jurisdiction? What number of followers, armed or otherwise, are they supposed to maintain in their service; and do they appear abroad with such followers armed?

The persons at Patna who hold the highest rank are the Nowahs Curreem Coolee Khan and Abbass Coolee Khan; and the Rajahs Cooer Dowlut Sing, Bussunt Roy, and Jhaoo Laall. None of them are in opulent circumstances, I believe: they may have from 20 to 30 followers, who are possessed of arms. All of their followers are not armed when they attend their masters abroad.

26.—Are there any persons in the city subject to your authority, who are supposed to be disaffected to the British Government? What are their names, and to what means do you resort for superintending their conduct; and have these persons any influence in the city, and to what extent?

I do not believe that there are any persons in Patna who are disaffected to the British Government.

27.—Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories; and to confer titles and other marks of distinction on its native subjects?

It is natural to suppose, that the measure in question would tend to strengthen the attachment of the natives to the British Government.

28.—What is the state of the roads and bridges, or other public works, in the city under your authority; and at whose expense are they kept in repair?

During the rainy season, the roads in Patna, and its suburbs, have always been in a very bad state, which proceeds from their not being sufficiently raised, and covered with bricks and soorky; and from the covered drains across them being in a ruinous condition. They have hitherto been repaired, in the dry season, by the convicts, in the best manner that circumstances would admit of, and without any expense. I have lately obtained the sanction of Government for repairing the roads in a certain degree; that is to say, I am authorized to expend the sum of R° 4,000, or R° 5,000, in raising the roads, and covering them with bricks and soorky, in places where it is absolutely necessary; and also in repairing the cross drains; and I am now employed about it. The roads in this city and its suburbs can never be in very good order till they are paved throughout with bricks on edge, and covered with coar and soorky, and pucka drains are made on each side. I beg leave to recommend this strongly, as being a measure which is absolutely necessary.

There are very few bridges within my jurisdiction; the one at Futwah has been ordered to be repaired at the expense of Government. The bridge over the easterly ditch of Patna is of wood, and is in a very ruinous state; it ought to be rebuilt of brick. In observing that the bridge over the westerly ditch of Patna was built by Mr. David Colvin, at his own expense, I am happy to record so meritorious an instance of public spirit in a private individual.

The gates at the east and west ends of Patna are of no use, as the ramparts are demolished; and, from their ruinous, if not dangerous state, they are a disgrace to so large a city, and ought to be pulled down.

There is not any fund for the repairs of roads and bridges; and, if it is thought that the expense ought not to be defrayed by Government in future, I would beg leave to suggest a small increase on the town duties, as being the least objectionable mode of raising a fund for this purpose.

29.—How are the convicts usually employed; and is there any manner of employing them which appears to you preferable to the manner in which they are at present employed?

The convicts are employed in repairing the roads; and no other mode of employing them occurs to me at present.

30.—What is the state of the jails in your city?

The jails in Patna are in excellent order; the jail for debtors is newly built.

31.—Are there any new rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

The regulations which I would recommend are as follow:

1st. That the taxes on spirituous liquors and taree, should be greatly increased; and that drunkenness should be made punishable.

2dly. In cases of assault and battery, and other trifling misdemeanors, it frequently happens that the offenders cannot pay the fine, and imprisonment for 15 days is not considered by them as any punishment. The magistrate should be authorized, where necessary, to punish such offences by flogging; the number of stripes not to exceed 20; or by imprisonment for one month.

3dly. The present punishment by the magistrate for petty thefts, is 30 rattans, or one month's imprisonment; it should be increased to 50 rattans, or imprisonment for six months, and hard labour.

4thly. The magistrates ought to be authorized to offer rewards for the apprehension of

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offenders, when necessary, without waiting for the previous sanction of Government on each particular case; and also to pay money for intelligence, when requisite.

5thly. Housebreaking and robbery should, in every instance, be made punishable with death; and every person twice, or oftener, convicted of theft, should be liable to transportation.

32.—What has been the operation of the last Regulation respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes now levied on spirituous liquors have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

The last Regulation respecting the tax on spirituous liquors has had very little effect in giving a check to drunkenness, which still prevails in a very shocking degree. The tax on fermented taaree is evaded in a very considerable degree by the parsees selling it fermented, under the pretence of its being in its unfermented state; though it is a well known fact, that no person drinks the latter. From a combination among the parsees the tax on taax trees falls on the proprietors of the trees, and not on the consumers of the taaree.

33.—Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the individuals of the city?

Exclusive of the Regulations for the suppression of crimes, which I have stated in my answer to the 31st Question, no other measures occur to me at present, which would contribute to the improvement of the morals of the inhabitants.

34.—In your opinion, what has been the effect of the Regulation which declares persons convicted of the crime of perjury liable to be marked in the forehead?

The Regulation is a very excellent one; but the punishment prescribed by it has taken place so seldom in Patna, that no judgment can be formed of its effect from experience. I am of opinion, that its effect is nearly done away by the restrictions laid down in Regulation 3, of 1801, which, though only intended to check improper prosecutions for perjury, have thrown such obstacles in the way, as to prevent prosecutions for this crime, even where they are necessary.

35.—What has been the operation of the punishment of transportion introduced by the British Government?

The punishment of transportation for crimes committed in Patna, has taken place so seldom, that its beneficial effects have not been experienced yet.

36.—Are you of opinion, that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or with too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

I am of opinion, that the Mahomedan law, with the alterations made by the British Government, is administered with too much lenity; and that the consequence of it is a very great increase of crimes.

37.—What is the nature of the general conduct of the Europeans, not in the service of the Company, who reside within your jurisdiction?

The Europeans of this description conduct themselves with propriety; that is to say, I have received very few complaints against them.

38.—What is the general condition of the weavers and other manufacturers in your jurisdiction? Are the existing laws and regulations well calculated for insuring justice to the weavers and manufacturers, in their dealings with the officers of the Company, and with private European merchants; and also for enabling the officers of the Company, and the individual European merchants, to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods?

The condition of the weavers is in general good, as far as it has come within my knowledge. The existing laws and regulations respecting them are, I should think, adequate to their protection, and to compel them to fulfil their engagements. I do not recollect that there have been any suits by or against them in this Court.

Patna,
13th May 1802.

J. S. Douglas,
Judge & Magistrate of Patna.

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Patna Division.

Zillah of Sarun, 16 December 1801.

His Excellency the Most Noble Marquis WELLESLEY, K.P.
Governor General.

My Lord,

IN obedience to the orders of the Honourable the Vice President in Council, I have the honour to transmit to your Lordship a Copy of my Answers to the Questions forwarded to me by Mr. Secretary Edmonstone, under date the 20th October last.

I have the honour to be,
My Lord,
Your Lordship's most obedient humble servant,
Chas. Boddam,
Judge and Magr.

Zillah of Sarun,
the 16th December 1801.

ANSWERS to the QUESTIONS proposed by his Excellency the Most Noble the Governor General.

Question 1.—What is the number of causes now depending before you, before your Register, and before the native Commissioners?

The number of causes now depending in this district, on the 30th November, is as follows:—Before the Judge, including appeals, from decisions of the Register and Commissioners, 70; before the Register, 21; before the native Commissioners, 20,063. I have been obliged to take the number of causes depending before the native Commissioners as they stood on the 1st of July last, as it required a considerable time to collect their accounts of suits now remaining undecided. Of these, however, 4,184 have been determined by them, and others have been added to their files.

2.—What proportion does the number of causes now depending, before the three tribunals, of the Judge, the Register, and the native Commissioners, bear to the number of causes usually depending, during the several years commencing from the year 1793 to the present period?

The number of causes depending, during former years, were as follows:

	BEFORE the JUDGE.			Before the Register.	Before the Native Commissioners.
	ORIGINAL SUITS.	Appeals from the decisions of the Register.	Appeals from decisions of the Commissioners.	TOTAL.	
1793	332	—	—	332	2,454	—
1794	857	—	—	857	3,444	—
1795	373	—	—	373	1,191	—
1796	393	128	142	663	800	—
1797	350	104	156	610	159	13,991
1798	309	75	147	531	86	30,074
1799	120	13	87	220	36	25,012
1800	80	20	44	144	23	20,601

From which it will appear, that the number of causes have annually decreased.

3.—What number of causes was decided, in the past year, by you, by your Register, and by your native Commissioners?

The number of causes decided in the year 1800, was as follows:—By the Judge, 357; by the Register, 104; by the native Commissioners, 17,829.

4.—What number of causes do you suppose must necessarily be depending before your Court and that of your Register, and before the native Commissioners; and what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced?

It is not in my power to state, with any degree of accuracy, what number of causes must necessarily be depending before the Judge and Register of this district; but I am confident, that, with common attention, they may always be kept down to a very small number. In regard to the native Commissioners, the case is very different. These men do not receive any salary, but depend solely on the fees they obtain from the institution of suits, and are therefore perfectly indifferent what kind of causes come before them. The clause in the Regulations, which restricts the receiving or trying a suit, in which the cause of action shall have arisen previous to the Company's accession to the Dewanny, or even twelve years before the institution of such suit, they pay no regard to, but admit and

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decide on every thing that is brought before them, and even divide suits, which ought to be tried in the first instance before the Judge, into a number of small causes, so as to reduce them to sums below fifty rupees; and I do not believe that more than five in the hundred of the appeals which have been brought before me from decisions of the native Commissioners have been confirmed. I have ever been of opinion, that the institution of the tribunals of the native Commissioners, so far from corresponding with the wishes of Government, of affording relief to the lower classes of people, by giving them an opportunity of recovering their just claims in a speedy manner, without the trouble, expense, and delay which must necessarily attend prosecuting in the regular Courts, situated at a considerable distance from their habitations, has been attended with consequences the very reverse of what was originally intended at the institution of this office.

5.—Are you prepared to suggest the establishment of any rules, which (consistently with a due administration of the laws) would expedite the decision of suits? Are you of opinion that this object would be in any degree promoted by leaving it optional in the different tribunals to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing, or not, as the Judges might think proper?

I certainly am not prepared, at present, to submit any rules which would, in my opinion, expedite the decision of suits. Summary processes, in certain cases, would be of great use, and prevent delay; but I would not recommend omitting to commit the depositions of witnesses to writing in any case whatever, as instances have occurred of persons denying, or giving contrary evidence, in one suit to what they leave deposed in another. The limitation of appeals from suits decided by the Judges of the Zillah Courts to the Provincial Courts of Appeal, to the sum of 25 rupees only, in suits regarding personal property, is in my opinion much too low, especially as a suit for real property, even should the amount be less than one rupee, is appealable. If, according to the former system, previous to the year 1793, appeals on suits decided by the Judges of the Zillah Courts, wherein the cause of action shall not exceed 1000 rupees, were not to be admitted, litigation would, I am convinced, be considerably checked; as most people now, however just the claim against them may be, appeal solely with a view to create delay, or to distress the opposite party.

6.—Are you of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding sicca rupees 200? What is the amount to which you would recommend the jurisdiction of the Courts of the Commissioners and of the Registers should be extended, and to what degree would the general administration of justice in the district subject to your jurisdiction, be expedited by the adoption of this arrangement?

When the tribunals of the native Commissioners were first instituted, under Regulation 49, of 1793, no person whatever, who was known to possess any landed or other property, agreed to undertake this office. Those who have been appointed, the cauzies excepted, are of this description; and experience has proved, that the opinion I formerly entertained of what would be their conduct, has, in regard to this district, not been erroneous. I cannot, therefore, take upon myself to recommend, that their jurisdiction should be extended. In regard to the Courts of the Registers, I am clearly of opinion that great benefit would arise from extending the present limitation of suits to be tried by them to sicca rupees 400, under the existing regulations, especially in those districts where the balance of suits undecided amounts to a considerable number; and a great many causes, which under the present system must necessarily be delayed, would then be brought to a speedy determination.

7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of lawsuits to be too considerable, or otherwise?

Litigation has undoubtedly been checked by the establishment of the fee paid to Government on the institution of suits. When Regulation 38, of 1795, was first promulgated, the number of causes reduced in this Court, in consequence, was as follows:

Withdrawn by the parties - - - - - - - - -	469
Dismissed in consequence of the nonpayment of fees - - -	3,106
Total - - -	3,575

Of which number, about 100 have again been instituted. The several charges attending lawsuits are in my opinion highly proper, and by no means burthensome to the parties.

8.—Do the fees paid to the licensed vakeels, on suits instituted or defended by them, constitute a sufficient inducement to men of character and of proper qualifications to undertake those situations? Are the vakeels attached to your Court persons of the above-mentioned description, and are they in general well acquainted with the printed Regulations?

The fees paid to the vakeels are fully sufficient to induce men of character and proper qualifications to undertake those situations, but I am afraid they are not in general filled by persons of that description, or who are well acquainted with the Regulations. Those attached to this Court are, I believe, as good as those in the other Courts.

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9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity?

It was formerly the custom for the parties in suits, who could not appear themselves, to appoint a mokhtar, or manager, to attend the Courts; and these persons carried on their suits, either as their authorized vakeels, or in their character of managers. Since the institution of the authorized vakeels, the same custom has been continued, and the managers still attend the Courts on the part of the principals, which is an additional expense to them. I do not conceive that the licensed vakeels do in anywise contribute to expedite the decision of suits, or that the parties concerned have any confidence in them, or they would not in almost every instance appoint a mokhtar to attend for them, who in fact is the responsible man, as the vakeel has nothing to do but to plead as he directs him, and to deliver into the Court the exhibits and other proofs furnished by him; which duty the mokhtar is equally capable of performing. I should imagine, that the situation of licensed vakeel might be done away, without any detriment to the parties, who might be allowed to appoint any person they thought proper, to act either as vakeel or mokhtar, and to whom the Courts should adjudge the same fees as at present established for the licensed vakeels, the greater part of whom would still attend the Courts, in hopes of being employed.

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

The principal inhabitants of this district are, for the most part, very illiterate, and do not give themselves the trouble of acquiring a knowledge of the laws and regulations of Government, which they leave entirely to their vakeels or mokhtars. It generally occurs, when a principal zemindar is summoned to appear before the Court on any business, except as a witness, on a question being put to him, that he turns to his vakeel or mokhtar, who either answers for him, or tells him what answer he is to give.

12.—Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

The forms at present established for the trial of civil suits, appear to me highly proper; and I do not know of any alterations which would contribute to expedite the decision of causes.

13.—Have you, in your Court-room, any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court, or sitting in it?

The Cutcherry at this station consists of a large bungalo, containing two extensive apartments; and the records are kept in separate brick buildings, rented by me for this purpose. There are not any particular places allotted for the Judge, parties or witnesses; but in the plan for a court-house, which I had the honour to submit for the consideration of Government, in my letter under date the 8th November 1800, all these places were to have been erected. The forms observed by me, in opening and sitting in the Court, are as follow; viz. The sherishtadar attends with a list, containing twelve or more suits, according to the numbers on the register, with the names of the parties, and their vakeels. The first cause on the list is called for, and the vakeels take their station on each side of the table. The plaintiff's vakeel reads the plaint from his own copy; the defendant's vakeel the answer; after which, the reply and rejoinder, if such papers have been filed, are read by the respective vakeels. The plaintiff's vakeel then delivers in his exhibits, and other papers, with a list of his witnessess, and relates what he may have to urge in behalf of his claim. When he has finished, the defendant's vakeel gives in his papers, &c. in a similar manner. If any witnesses are in attendance, their depositions are next taken, or an order is issued for their being summoned. If the whole of the proceedings can be closed at that sitting, a decision is passed. The same ceremony takes place with all the suits on the file produced by the sherishtadar; and when they are all gone through, the vakeels and other persons present miscellaneous petitions, on which orders are passed; after which the Court is closed for the day.

14.—Are there any private schools or seminaries in the district under your jurisdiction in which the Mahomedan or Hindoo law is taught; and how are those institutions maintained?

There is not a single institution of this nature in this district; the only schools which exist are those kept in almost every large village, where Hindoo children are taught reading, writing, and accounts, for which the parents pay a weekly stipend to the master.

15.—What is your opinion regarding the moral character of the inhabitants of your district? Has the moral character of the inhabitants in general been improved, or otherwise, by the system established by the British Government for the administration of the laws and for the conduct of the internal administration of the country?

The inhabitants in Sircar Sarun have never been remarkable for the goodness of their morals; on the contrary, they have been proverbial throughout the rest of the Behar province. During the native Government, the aumils were obliged to maintain a considerable armed force to support their own authority, and to prevent the zemindars plundering each

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other. Since the British Government has been established, very few disturbances or open acts of violence have taken place, especially since the conclusion of the decennial settlement, when every man has been confirmed in his rights. The morals of the lower class in general certainly are not better than they were in former times, for the crimes of robbery, housebreaking, forgery, and perjury, have increased in a great degree.

16.—Are you of opinion that the inhabitants in general of the district under your jurisdiction, consider their private rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

When the decennial settlement was first concluded, and even for many years after, notwithstanding the proclamation issued by Marquis Cornwallis, and which now forms the first Regulation of 1793, the zemindars had not the most implicit confidence in the Government, as they entertained apprehensions that a new settlement would be formed at the end of the ten years. As, however, the original settlement made with them has been confirmed without any alteration, they now consider their rights and property to be well secured, and have, as far as I have been able to ascertain from conversing with some of the principal landholders of this district, entirely got rid of their fears respecting a new settlement. The other classes of inhabitants are, I have every reason to believe, fully satisfied in this respect; and whenever any person attempts to infringe their rights they have recourse to the Civil Courts, with the fullest confidence of obtaining justice. That oppressions are committed on the lower classes of the people in the interior part of the country, cannot, I believe, admit of a doubt; and, as these people are prevented by poverty from preferring their complaints to the Courts situated at a considerable distance from their residence, they suffer in silence. The Regulation of Government, which prevents the Judges and Magistrates quitting their immediate stations without obtaining permission from the Governor General, and delivering over their charge to some person appointed for that purpose, is a great bar to their receiving intelligence, or affording redress in cases of this nature. Was this restriction removed, and were the Judges and Magistrates directed to make a circuit of their districts, at least once in the year, the most beneficial effects would accrue from their visiting different parts of the country, and they would be enabled to redress many grievances which otherwise cannot come to their knowledge. They could also, from personal observation, furnish Government with an accurate account of the state of the districts under their jurisdiction; whereas at present, whenever questions are proposed to them, they can only rely for information on the natives, who, in many cases, are interested in deceiving them.

17.—Are you of opinion that the district under your jurisdiction is in a state of improvement, or otherwise, with respect to its population, cultivation and commerce, and its buildings, or other works, for religious, domestic or other purposes, and on what grounds do you form your opinion?

Sircar Sarun has for a long period of time been in the highest state of cultivation. There is scarce any waste land or jungles in it, and the inhabitants are under the necessity of sending their cattle into other parts to graze, there not being sufficient for them in this sircar. It is still in a very flourishing state, and cultivation has increased, as far as it was capable of improvement.

Sircar Champarun suffered severely during the famine in the Fussilly year 1177, when more than half the inhabitants are supposed to have perished; and as the zemindars of this sircar were for many years deprived of their lands, which were leased to rapacious farmers, who committed great oppressions, the greater part of the inhabitants remaining after the famine, quitted that district, which almost became a desert. Since the zemindars have been re-established by the decennial settlement, many of the ancient inhabitants have returned, and cultivation has increased in a considerable degree, as I have ascertained, both from the zemindars themselves, and from Europeans who have been in that part of the country trading in timbers, by whom I have been informed that many places formerly waste, are now well cultivated.

In regard to buildings for domestic purposes, I cannot take upon myself to say whether they are in a state of improvement, or otherwise, as I have not received any information on this subject. Only two buildings have been erected for religious purposes in this district, during the last thirty years, one a Hindoo temple, built by Rajah Beerkishurir Sing, near his residence at Bettiah in Champerun, and the other a mosque, erected at Chupreh by a Mussulman, both of which have been finished about two years.

18.—Are you of opinion that the inhabitants of the district subject to your jurisdiction, are in general satisfied with the British Government?

The inhabitants of this district are, I believe, well satisfied with the British Government; at least I have never had any reason to suppose the contrary.

19.—Is the present system of police well calculated to insure the apprehension of offenders?

20.—Are the police establishment, in the district subject to your jurisdiction, adequate to the duties required of them?

The police establishment of this district, under Regulation 22, of 1793, at present consists of seventeen darogahs, with a jemmadar, mohurrir, and ten berkundauzes to each station, and a cotwaul for the town of Chuprah, with jemmadar, mohurrir, fifteen berkundauzes, and fifteen chokeedars; but I do not conceive that this establishment is by any means

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means adequate to insure the apprehension of offenders, or to perform the duties required of them, even supposing every man to be as active and attentive as he ought to be, which is by no means the case. The darogahs, so far from adhering to the rules prescribed, and endeavouring by their exertions to prevent the perpetration of crimes, and affording protection to the inhabitants of the respective jurisdictions, are for the most part extremely indolent and inattentive. They are, however, sufficiently cautious not to commit any acts from which they would be in danger of losing their appointments. Indeed, under the present system, they appear to me to be a heavy expense to Government, and the country experiences little benefit from them.

21.—Are you of opinion that the number of crimes committed annually in the district under your jurisdiction, has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

The number of crimes committed annually in this district, bears, as far as I can learn, nearly the same proportion as previous and subsequent to the year 1793, excepting robbery, which has greatly increased.

22.—What crimes of enormity are most prevalent in the district under your authority; what is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

The crimes most prevalent in this district are housebreaking and highway robbery, which have increased to a very great degree since the alteration of the system of government in May 1793. All the districts in the Behar province are infested with gangs of thieves and idle vagabonds, who commit depredations in various parts of the country, particularly in the vicinity of the Ganges; and scarce a month passes without complaints being preferred by merchants and passengers, that their boats have been plundered; and as the thieves have an easy, ready, and constant mode of disposing of the property, no part is ever recovered, as indeed is generally the case whenever a robbery has been committed in the interior parts of the country. It appears to me that this very great increase of robbery has originated from three causes; namely, 1st. The taking off the responsibility from the zemindars in whose estates the robberies have been committed. 2dly. To the inadequacy of the Mussulman laws to the punishment of crimes; and, 3dly. To the great quantity and cheapness of liquor produced in every district.

During the former system of government, the zemindars were held responsible for the police of their respective estates; and in the event of the escape of persons who had committed a robbery, on sufficient proof being adduced by the party complaining, the zemindars were obliged to pay the value of the property stolen; with a view, therefore, to their own security, they were particularly careful to prevent disorderly persons and men of bad character residing on their estates. They entertained pasbans or watchmen to preserve the peace in their own villages, and granted to them certain portions of land exempted from the payment of revenue, in lieu of pay, as a reward for their services. When any traveller took up his abode, in a village for the night, the zemindar, or his agents, on his application, granted him some of those pasbans for his security, and his person and property were safe, as they considered themselves responsible for both. This practice has been in existence from time immemorial, and was established during the ancient Hindoo government, long before the Mussulmans had any authority in Hindostan, and continued to prevail until the promulgation of the 22d Regulation, in 1793, which exempted the zemindars from this responsibility. The establishment of the pasbans is in general kept up in all villages, but no circumstance or entreaty could now induce a zemindar to afford protection to the unfortunate traveller, who is every night in danger of losing his property; and should he, when robbed, apply for assistance to the zemindar, he is told to go to the magistrate and complain. The zemindars now, far from entertaining any scruples in regard to the character and morals of the persons they admit to reside on their estates, indiscriminately allow every vagabond to settle on them, on his entering into engagements to abstain from robbing the inhabitants of that, or the other villages belonging to them. There are in various parts of the country, gangs of men who do not cultivate land, or keep shops, and who have no visible means whatever of gaining their livelihood; yet these persons are established in villages, where they spend a great part of their time in idleness and drunkenness, and are never known to be in want. If they do not commit depredations in other parts of the country, how could they possibly subsist? Many of these persons have been apprehended, and the only account they have given of themselves is, that they were in search of "service," which is a cant term among them for robbery; and as no positive proof of their malpractices has been brought against them, they have been released. That the thieves are encouraged and even supported by the zemindars, must, I think, appear evident, or how could they dispose of the stolen goods. Various instances have occurred of robbers being pursued and traced to their own houses, but the property stolen has seldom been found; and it is a general rule with them, when a robbery has been proved upon them, to pay the value in money, but never to restore, if possible, any part of the original property. When the system of responsibility on the part of the zemindars prevailed, even during the period that the revenues from the lands were subject to fluctuation, and when they themselves were liable to every species of extortion and oppression from the farmers of the country, they never offered the smallest objection to it; they surely cannot now, when their property is secure, and the rents of their lands are fixed at a low, and in general at an adequate rate, have any plea for objecting to this mode being again adopted.

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23.—Do the inhabitants in general of the district subject to your jurisdiction keep arms in their houses? What description of arms do they retain, and for what purpose are arms retained?

Most of the inhabitants of this part of the country keep swords, and some few have matchlocks; but they retain them, I believe, merely for self-defence, or because it is an ancient custom. Sometimes, indeed, they make use of them, when two zemindars quarrel about boundaries or watercourses, when they call out the inhabitants of their respective villages to meet, and a battle sometimes ensues; but this custom, formerly so prevalent, has of late years been seldom put in practice. The ancient usage of carrying bows and arrows seems in a great measure to have been laid aside.

24.—Are there any brick or mud forts in your district? In what state are the forts, and what is the nature of their construction?

Almost every village had formerly a mud fort belonging to it, to which the inhabitants used to retire, as a defence from the oppressions of their neighbours. The remains of the greater part of these forts are still in existence, but they are all in so ruinous a condition that no use could possibly be made of them. There are not, as far as I can learn, the remains of any brick forts in this district.

25.—What proportion do the Hindoo bear to the Mahommedan inhabitants, in the district subject to your authority; and what do you suppose to be the number of the inhabitants of your district, of all descriptions?

There are very few Mussulmans in this district, and only two zemindarries of any considerable extent, held by persons of that persuasion; so that I should imagine the Hindoos bear the proportion of at least five hundred to one to the Mahomedans. The inhabitants of the two sircars, forming this district, are supposed to amount to about twelve hundred thousand.

26.—What are the names of the persons possessing the highest rank and the greatest opulence in the district subject to your jurisdiction; what number of followers, armed or otherwise, are they supposed to maintain in their service, and do they appear abroad with such followers armed?

The persons of the highest rank in this district are as undermentioned, and they are by far the most opulent, possessing considerable zemindarries; but many of them, though the leases of their estates have been granted in their names, have relations who share among them the profits arising from these estates.

Sircar Sarun.—Armurdun Sahy, Soob'h Narain, Shunker Sehay, Permeisher Sahy, Permeisher Sing, Rashbehary, Ramoo Sing, Jafer Shah, Moolchund, Shehamut Ally Khan, Mohammed Ally, Assud Ullah, Chutter Dhary Sahy, Seu Thanoor, Madhoram, Sunbhoo Dut, Ray Silwunt Ray, Nersing Narain.

Sircar Champarun.—Rajah Beerkishwur Sing, Rajah Hercomardut Sein, Gungadut and Tillukd'hary, the sons of Rajah Sirry Kishen Sing and Abdhoot Sing, were in possession of two of the four pergunnahs forming this sircar, at the commencement of the decennial settlement; but in consequence of their misconduct, the greater part of their lands have been sold by public auction, for balance of revenue, and they are now reduced to a few villages to each of them. It has not ever, as far as I have been able to ascertain, been the custom of the zemindars of this district to maintain any number of armed followers, but merely to keep a few peons, who accompany them when they go out.

27.—Are there any persons, in the district subject to your authority, supposed to be disaffected to the British Government? What are their names, and to what means do you resort for superintending their conduct? Have these persons any influence in the district, and to what extent?

I have never heard of any persons of this description, or I should have adopted every means in my power for bringing them before the Court of Circuit.

28.—Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

I do not conceive that Government conferring titles on its native subjects would, in any respect, contribute to strengthen their attachment to the British Government in India. The zemindars are the people with whom Government is chiefly concerned, and they are the only persons who can expect favour, by their regularity in paying their revenues. The higher classes of natives are excluded from places of trust, and cannot therefore merit titles; and the native officers, who by their good conduct and meritorious services are deserving of reward, would be better pleased with a pecuniary compensation than with any other mark of distinction. In certain cases, however, were Government to confer titles on the native inhabitants, it might have very good effects.

29.—What is the state of the roads, bridges, and other public works, in the district under your authority; and at whose expense are they kept in repair?

There are not any roads in this district (at least not what can properly be termed roads) except one leading from the ghaut at Cherand to Goodnah, the late residence of the Collector of the Government Customs, being about thirteen miles, part of which is annually repaired by the convicts, and the remainder by the zemindars; the rest are merely paths from one village to another, and kept up by the zemindars, who were always obliged, by

their

their engagements, to keep them in order; and a clause is still inserted in their lease, with Government for the same purpose, under the head of Kherch Beildarree.

There is not a single bridge in the whole district, though there are a great number of small nullahs, which are either dry or fordable during the dry season, and there are ferry boats kept on them in the rains.

There have been sundry edifices for religious purposes, under the charge both of Mussulmans and Hindoos, for the support of which lands have been granted; but on the death of the original grantee, his heirs have divided the lands among them, as if they had been hereditary estates, and all the buildings which formerly existed are either demolished, or in a ruinous condition.

30.—How are the convicts in the district usually employed; and is there any manner of employing them, which appears to you preferable to the manner in which they are at present employed?

During three months in the year, the convicts of this district are employed in repairing the roads in this neighbourhood, and the streets of the town of the Chuprah; but during the other nine months, there is little or nothing for them to do; they are however constantly engaged in working in the gardens of the gentlemen at this station; which duty, though by no means adequate to their sentences of hard labour, serves to preserve them in good health, and to prevent their passing their time in idleness. I formerly recommended, that the convicts should be employed in any public works that might be carrying on at the time, or in the mines of Ramghur and Beerbhoom, as suggested in the Extract from the Proceedings of the Most Noble the Governor General in Council, under date the 14th March 1800.

31.—What is the state of the jail in your district?

There was originally no Foujdarry jail at this station. The prison under the charge of the darogahs of the Naibnazim's Court have been used by the Magistrates for the prisoners under his jurisdiction. On the alteration of that system, the Magistrate took possession of the jail, which consisted of two small mud houses, surrounded by a mud wall. When I arrived at this station the jail was in a miserable condition; and I submitted an account of it, with an estimate of the expenses for erecting a new one, to the Governor General in council, under date the 20th October 1794. Since that time some additions have been made to it; but it is still in a wretched state, and has cost Government a considerable sum annually to keep it in repair.

The Dewanny jail is in a much worse condition than the other, and consists of a mud house erected by the late Judge, surrounded with a mud wall, with the addition of a few sheds built by me. This prison is much too small to contain the number of persons usually confined in it; and as the Foujdarry prisoners are also put in this jail before they are committed to take their trial before the Court of Circuit, murderers, robbers, and thieves of every description, are enclosed in the same room with persons of the highest caste, who have the misfortune to be confined in civil suits. This jail is in so bad a state, that notwithstanding the repairs which have been annually made to it, I do not think it can possibly stand another year.

32.—What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character, in your zillah, commissions empowering them to act as Justices of the Peace? Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons; would you confine it to the estates or farms of the persons to whom commissions might be granted, or otherwise?

I do not conceive that any benefit could arise from granting to zemindars or farmers commissions empowering them to act as Justices of the Peace; or that any of those in this district would be willing to accept and undertake the duties annexed to this office; or indeed, should they be induced to receive them, that there are any persons of this description capable of conducting such duties with justice and impartiality, as most of them are too much interested to apprehend persons accused of crimes, especially if those persons cultivate land on their estates. It is, however, necessary that some person should be stationed in different parts of the country to superintend the police, and to apprehend offenders; but the Magistrates experience great difficulty in procuring men of ability and respectable character to fill such stations. This circumstance, I conceive, is owing in a great measure to the smallness of the salary at present annexed to this office. The cauzies of the pergunnahs are in general old and infirm men, and their want of activity must render them incapable of undertaking such a charge. If the salary annexed to this office was liberal, and sufficient to place the holder of it above temptation, I have no doubt that a person of good character might be selected from some of the respectable families which still exist in this province, to officiate as a Justice of the Peace, in the place of the present police officers, in each pergunnah, which should be the extent of his jurisdiction, under the present existing regulations or such as might be framed for the occasion, with credit to himself, to the satisfaction of the inhabitants, and to the advantage of Government; and as he would be totally unconnected with the zemindars or farmers of that part of the country where he might be stationed, he would act in every instance with the strictest impartiality.

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33.—Are there any new rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

In my answer to Question the 38th, I have stated, that the Mussulman law is, in my opinion, totally inadequate to the suppression and punishment of crimes in general; and it is in a great measure owing to the lenity, or rather deficiency of that law, that crimes have increased, and must still continue to be perpetrated without the fear of punishment, while the operation of that code remains in its present state. Were the members of the Courts of Circuit to be considered as the sole Judges, and to pass sentence in all cases under a code of laws to be drawn up for the occasion, with a reference to the Sudder Nizamut Adaulut, in offences of a capital nature, criminals, who now escape from defects in the law, would then receive the punishment due to their offences, and crimes in general would annually decrease.

34.—What has been the operation of the last regulation, respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion, that the establishment of the taxes, now levied on spirituous liquors, have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

The regulations at present in force are, in my opinion, by no means sufficient to discourage the sale of spirituous liquors, or to put a stop to the vice of drunkenness, which prevails in a great degree among the lower classes of people, but are rather calculated to promote the extension of this pernicious trade, by admitting any persons, who may be so inclined, to engage in it, by taking out licences at an expence very trifling in comparison to the advantages they reap from a species of traffic so generally in demand. The number of shops, which exist in every part of the country, and the cheapness of the liquor, tend, in a great measure, to the encouragement of idleness and debauchery. It is in these houses where worthless vagabonds assemble, and settle over their liquor where they shall commit robberies; and I have great reason to believe, that the distillers are in general either concerned with them, or well acquainted with the thieves and their haunts, and assist them in the disposal of the stolen goods. The distillers are, for the most part, men of property, and some of them even act as bankers, and lend money; but, during fourteen years I have been employed in the judicial line in this province, I have never heard of an instance of one of these persons having been robbed, either by the thieves who reside in the same district with them, or by those who come from a distance to plunder, being equally respected by all classes of robbers. They pay little attention to the restrictions inserted in their licences, as specified in Regulation 34, of 1793, and 6, of 1800; and I meet with great difficulty in keeping in order those persons who have stills or shops in the town immediately under my own inspection; those, therefore, in the country villages can be under little or no restraint, as I fear the police officers are not so active in this respect as they ought to be. Liquor, also, is so cheap, that a large quantity can be purchased for a mere trifle, as the distiller has not made any addition to the price of the liquor, notwithstanding the tax paid to Government; for though he does not expend so large a quantity of the materials from which the liquor was originally prepared, as he used to do before the tax was increased, he mixes with it water, and various pernicious drugs, which are very cheap, and easy to be procured, and which render the liquor equally intoxicating and more unwholesome.

35.—Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the district?

If an efficient code of laws for the trial and punishment of criminals were to be established, it would, in my opinion, greatly contribute to the improvement of the moral character of the natives of the British dominions in India, by putting a stop to a number of crimes to the punishment of which the Mussulman law is inadequate. The suppression of a number of stills and shops for the sale of spirituous liquors, with a considerable addition to the tax now levied, by rendering that pernicious article much dearer than it is at present, would undoubtedly be of great service. Severe examples should also be made of every person who either evades or acts contrary to the restrictions inserted in his licence.

36.—In your opinion, what has been the effect of the regulation, which declares persons convicted of perjury liable to be marked on the forehead?

The little regard which the natives of India pay to oaths in general, and the total want of respect or attention paid to those now in use in our Courts, is a charge so well founded, that every gentleman who has superintended a Court of Justice in this country must have observed it. I have heard that there are certain classes of people in the principal towns, who gain their livelihood by being witnesses, and who can be procured to give evidence in any suit at a very low rate. No person has as yet been punished in this district under this regulation, but I should conceive that a few instances of its having been carried into effect, would be attended with the most beneficial consequences.

37.—What has been the operation of the punishment of transportation, introduced by the British Government?

Very few instances have occurred of a sentence of transportation having been passed on criminals from this district, so that the operation of this punishment cannot at present be ascertained; but I am convinced, from the information I have obtained on this subject, that it will have a great effect on the morals of the people.

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38.—Are you of opinion, that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity, or with too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

It has ever been a general complaint, that the Mussulman law is not adequate to the punishment of crimes; and strong instances in proof of it occur during every sessions of the Court of Circuit. In one particular, this defect is obvious, there being no law whatever for the punishment of rebellion, or crimes against the state, forgery, perjury, receiving stolen goods, and accessaries (except in cases of murder); crimes of a serious nature, are scarcely noticed. The sentences of the Court of Circuit, in cases of housebreaking and highway robbery, being, in general, for one, two or three years imprisonment and hard labour, though apparently severe, are in fact nothing.

The Mussulman law, for the most part, consists of a few sentences extracted from the Koran, and from the Huddees, or verbal sentences or opinions of Mohammed, and from some of the Imauns, his immediate successors, which have been collected and recorded; and the commentators of the two sects differ materially in their explanation and application of these opinions. To prevent, however, any bad effects from this difference of sentiments, the British Government has framed a regulation, that the determination of two only of the commentators, namely, Yoosuf and Mohammed, shall be adopted as a general rule. The Mussulman code of criminal law, notwithstanding this alteration, is still defective, and by no means adequate to the punisment or suppression of crimes. There is another circumstance also which might be brought into consideration, which is, that at least nine tenths of the inhabitants subject to the British Government in India are Hindoos; I am therefore clearly of opinion, that the present system of criminal jurisprudence would admit of great alteration; and that if a code of laws, specifying distinct and adequate punishments for different crimes, including the above-mentioned, was to be framed, it would be a great and certain step towards diminishing the defects of the present police of the country, and would be the means of effectually putting a stop to the numberless crimes which are daily committed.

39.—What is the nature of the general conduct of the Europeans not in the service of the Company, who reside within your jurisdiction?

There are only three Europeans not in the service of the Company, who reside in this district; but others go to Boggah, at the proper season, to purchase timbers. Mr. Blake has a considerable indigo work at Acberpoor; Mr. M'Entie has one at Dirouly, on the banks of the Dewa, but he principally trades in timber; and Mr. Massyck has a small indigo work near to Mr. Blake's. I have never received a single complaint against either of these gentlemen; on the contrary, I have every reason to believe, that the inhabitants of that part of the country in which they reside, are perfectly satisfied with their conduct, and reap great benefit from the money expended by them in their manufactories.

40.—What is the general condition of the weavers and other manufacturers in your jurisdiction? Are the existing laws and regulations well calculated for insuring justice to the weavers and manufacturers in their dealings with the officers of the Company, and with private European merchants; and also for enabling the officers of the Company, and the individual European merchants, to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods?

There are very few articles of trade manufactured in this district. Government have two factories, one for the provision of cloth of a particular kind, and the other for collecting saltpetre, of which a very large quantity is produced, and the whole of it is provided on the Company's account. European merchants have not any dealings in this district, as the cloths manufactured in general would not suit them. The existing laws and regulations appear to me to be well calculated for insuring justice to the weavers and manufacturers, in their dealings with the officers of the Company and private merchants, and they, as well as the native merchants, seem, as far as I have been able to ascertain, to be perfectly satisfied.

To N. B. EDMONSTONE, Esquire.
Secretary to the Government, &c. &c. &c.

SIR,

ACCORDING to orders received from Mr. Secretary Dowdeswell, I have the honour to transmit to you, to be submitted to his Excellency the Most Noble the Governor General, a Copy of the Reply to his Lordship's Questions, with which I was favoured with your letter of the 20th of October.

There are some questions which I have not been able to reply to, as they depend on local information, which I have been obliged to call on the police darogahs for; when their answers enable me to communicate the Reports yet wanted, I shall lose no time in submitting them to you, and, agreeably to your orders, to the Honourable the Vice President in Council.

I have the honour to be, Sir,
Your most obedient humble servant,
A. Tufton, J. & M.

Zillah Bahar,
9th December 1801.

No. 1:

Answers by the JUDGES.

Patna Division.

Zillah Bahar, 9 December 1801.

(Copy.)

ANSWERS to the Questions received in Mr. Secretary Edmonstone's Letter of the 20th October.

1.—On the 1st of July, the latest date to which the Reports were transmitted to the Presidency, the following number of Causes was depending.

Before the Judge	1,470
the Register	2,760
the Commissioners	3,299
Total	7,529

2.—The following statement will shew.

On the 1st July of each year.	Before the Judge	Register	Commissioners.	TOTAL.
1793	59	217	187	463
1794	544	1,688	400	2,641
1795	544	582	1,066	2,192
1796	920	3,145	2,213	6,278
1797	1,142	3,702	2,208	7,052
1798	1,248	3,803	2,266	7,317
1799	1,302	3,836	1,882	7,020
1800	1,287	3,082	3,092	7,461
1801	1,470	2,760	3,299	7,529

3.—By the Judge, 333
the Register, 1,008
the Commissioners, 5,597
Total 6,936

4.—I cannot precisely answer this Question, but I think there is great reason to believe more decisions will now take place in the Judge's and Register's Courts, since fifteen pergunnahs have been separated from the district.

5.—The rules at present in force are very excellent. The only inconvenience is, that more is committed to one person than he can well execute. Yet I think it will be the means of bringing many a suit to an immediate end, if the defendant was to be obliged to give in his answer on oath; because I know that many men would not swear falsely, who would nevertheless benefit by false witnesses. It would shorten my labour very much to reply to the latter part of this Question in the affirmative, but I am convinced it would make perjury more common and more successful.

6.—I am sincerely of opinion, that the country would be a great gainer, if the Commissioners were authorized to decide to the amount of 200 rupees, and the Register to the amount of five hundred; and I have no doubt the administration of justice would be greatly accelerated by this measure, but to what extent is more than I can possibly say.

7.—I cannot concur in opinion with those who talk of the litigiousness of the people, because I have generally seen, that the Courts of Justice are filled with suitors from the dishonesty of the defendants. I allude to the Civil Courts; for the Foujdarry certainly is infested with many groundless complaints. It is with pain that I am obliged to say, I think the charges attending lawsuits almost equivalent to shutting the door of the Adawlut.

8.—They certainly do. To the character of the vakeels I have nothing to object, but I cannot honestly say I think them all qualified for pleaders, or that in general they know much about the Regulations. Yet I must add, in justice to them, that they appear to be more studied than formerly.

9.—Not in the least, with respect to expedition, but somewhat with respect to accuracy, though not near so much as could be wished.

10.—I have heard of no complaints, nor can I in this respect assert any thing to their detriment.

11.—By no means, as far as I have had occasion to observe.

12.—In answer to the 5th Question, I have stated what appears to me most important, but there are other points which may come under this or that head. It is very difficult to procure the attendance of witnesses; and though I must confess they wait very often a considerable time, yet they sometimes return without permission. The Regulations authorize their arrest in these cases, but they take care to prevent that in general. The power to attach their property, with the disability to sue in any Civil Court until they should appear, would render them more obedient. It often happens, that after a plaintiff or defendant has taken out subpœnas for his witnesses, he fails to attend when they refuse to appear, or cannot be found, or to send any authorized person to swear what witnesses are necessary to his cause.

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In this stage of the proceedings the Court can do nothing. The Cause in all such cases, should be nonsuited when the plaintiff is in fault, and when the defendant makes a default of this kind, it should be proceeded on ex parte. But in all nonsuits, the plaintiff should be allowed to bring his claim forward once more, without paying the institution fee again. I do not know whether it is taken with strict propriety in these cases, but the practice cannot now be altered without superior authority.

13.—If a fixed place be meant, as in the Supreme Court, there is nothing like it here, for the room in which the Court is held will not allow it. The first object is to obtain as much air as possible; without some comfort in this way, it would be scarcely possible to get through business. There is a place for the officers of the Court, but the pleaders, parties, &c. &c. sit, where they can find seats. The witness who is giving evidence stands nearly in front of the people and opposite to the Judge; other witnesses are at a distance, that they may not hear what any other has deposed. No forms or ceremonies are observed.

15.—That it is very low, but this I ascribe to want of tuition in the bulk of the people, and to bad examples set them by their superiors. I cannot say I have discovered any improvement, but I have no doubt they would improve, if the regulations could be executed as well as they ought to be.

16.—Private rights are generally not secure from invasion, because the delay of justice is too great to admit of any adequate compensation being made, and dishonesty finds but too many encouragements in consequence. I will not venture to say, that people are not afraid of complaining against natives entrusted with authority, as tehsildars, darogahs, &c. as well as against their zemindars; but this chiefly, if not solely, arises from want of that complete protection which prompt justice alone can give. I am persuaded, many complaints are not made on this account. Against Europeans in the service of Government they have less hesitation to complain; and indeed I do not know that they have any; though I believe they would much rather be on good terms with such persons. With respect to the Government itself, I am convinced they have none, but rely with entire confidence on its justice, when they think they have cause for complaint.

18.—I can safely answer this question in the affirmative, always excepting a particular class of the natives, who from personal considerations cannot be reconciled to any foreign Government.

19.—I am sorry to say, I do not think it is at present calculated in the smallest degree for the principal purposes of a police.

20.—They are much the reverse.

21.—The general opinion, in which I concur, is, that they have increased; and I attribute this circumstance to the want of a police, and to the too great lenity in punishing offenders; the chances in favour of a thief, robber or burglar, nay murderer, that he will escape, are many, and the punishment, except for the last offence, they do not seem to feel.

22.—I have answered this question in a paper expressly on the subject of police, which is annexed.

27.—If there are such, I know them not, nor have I any reason whatever to suspect it; with the exception before alluded to, I have every ground to suppose that the conduct of Government cannot possibly produce disaffection, but quite the contrary; but I know of no disaffection, although the secret wishes of particular individuals must be adverse. In my humble opinion, every thing is perfectly secure; and could speedy justice and a good police be effected, I have no doubt that the natives would be as loyal subjects as any under the British empire.

28.—I should suppose they would have effect. Titles of late years have fallen in estimation, from the manner in which they are procured; but as they would be conferred on other motives by Government, they would have a far superior value.

30.—They are employed only on the roads about Gya; but this is, in fact, doing little beyond making the place more agreeable to those who keep carriages; and nothing for the public. They cannot be sent to a distance, because there are not guards enough, or allowances for making them temporary habitations. A road from Shehrghauty to Patna is much wanted; but it would require the joint labour of the prisoners of three or four jails, and many parts of the road must be made of solid masonry, as well as many small bridges and drains erected; all this would require a very great expense. The next best mode of employing them is in a workhouse, where I would have them not only earn what they eat, but likewise to repay the value of the property they have plundered. If any thing can teach industry, this I should think would produce that effect. In whatever manner they are employed, I would recommend, that a European superintend; for his integrity might be relied on, and he would avoid the extremes of needless rigour and total relaxation of discipline, which the natives generally fall into in all their operations.

31.—The jail has been undergoing a thorough repair, or rather it has been pulled down and rebuilt, with an exception to four outer walls. It will soon be finished; when, I dare say, the Circuit Judge will report on it. In my opinion, it is calculated for the health and comfort of the prisoners, but I cannot say it is secure; for not long ago it was broken, and three

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prisoners escaped; and every day convinces one more and more of the total want of discipline and correctness in the Sebundy Sypaplices.

32.—I have offered my opinion on this subject in the annexed paper; to which I have only to add, that the less zemindars are employed the better.

33.—This question I have also endeavoured to answer in the paper annexed.

35.—I know of none better than prompt execution of the laws; unless, what may be deemed impracticable by some and romantic by others, a system of public instruction could be devised. It is I believe universally admitted, that Christians are superior to Mahomedans, Hindoos, or other Pagans, and that Protestants are again superior to Catholics; and if I am not mistaken, this arises principally from their being instructed in their duties in a language which they understand. The poverty of the people is a bar to every thing, and Government cannot assist them as much as might be wished. I beg leave to observe, that it would not be a bad measure to declare, that Sunday shall be considered a day of rest, and work prohibited on that day, as in England, with certain exceptions. It would be attended with great advantages, if a Mahomedan and Hindoo, properly qualified to instruct the people, were appointed in the towns and villages to read lectures on morality every Sunday in the common language of the country, and to keep a day school for reading, writing, accounts, and moral instruction, for all the young men in the place; their pay to be settled by Government, by an easy assessment on the people. Where villages are too small, one teacher of each persuasion may serve for two or three more. Sunday will be considered sacred by the Hindoos, nor is there any thing which can hurt the feelings or prejudices of the Mahomedans. The knowledge taught should be practical and easy, and no doubt, many pious and learned natives would supply Government with epitomes of moral doctrine for the use of the people; but the work would not be immediately useful, as it would be chiefly on the young that it would produce salutary effects.

36.—I have offered my opinion in the paper annexed.

37.—It has been so seldom enforced here, that I do not think it has had a fair trial.

38.—I think the law infinitely too mild, and that nothing but very severe punishments will answer in this country: but I mean not cruel punishments, and in no case would I propose capital ones, but for wilful murder. Of the law in general, I think there can be no doubt that offenders are not at all deterred by it.

39.—I am most happy to bear testimony to the good conduct of the Europeans in this district. Two complaints only have been made against them within these last four years, and they arose not from any dishonesty or oppressive conduct, but from that haste and want of consideration which Europeans not conversant with the people and strangers to the language are sometimes apt to indulge in. The natives are, however, grown very impudent.

40.—If I am authorized to draw any conclusion from there being no complaints, I should suppose the weavers and manufacturers were satisfied, and that nothing is wanting in this department for the mutual protection of both parties. The Regulations appear to me sufficient in every respect.

(Signed) *A. Tuston*,
Judge & Magte.

Gya,
the 15th November 1801.

On the POLICE.

Before the separation of the pergunnahs which have been lately annexed to Shahabad Ramgurh at Patnah, there were seventeen thanahs in this district. One of them was established not long ago; at the time there were only sixteen. The following Report was received from the darogahs, of the extent of their jurisdictions:

EXTENT in coss of the Boundaries of each Jurisdiction, from the darogahs station.

	East.	West.	South.	North.
Bircum now under Shahabad	5	3	5	5
Bar	5	5	5	—
Arwul now under Shahabad	5½	—	5	3
Durriahpoor	9	1	10	—
Jehanabad	5	5	6	5
Hilsah	5	7	3	6
Hulas Gury	5	4½	4	4¾
Behar	6	7	7	6
Shaikhporrah	8	8	7	7½
Denhrah now under Shahabad	6	6	6	5
Noabad	12	8	10	8
Gya	10	11	10	8
Aurungbad now under Ramgush	11	5	4	6
Nubbinagur D°	5	3	5	5
Mujhiawan D°	6	15	4	8
Shenerghauty D°	10	13	10	6

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The seventeenth thanah, at Nobutpoor, affected only those of Bicrum and Hilsah. The strength of each thanah, it is known, consists of a darogah, mohurrer, jamadar, and ten burkundauz. By an inspection of the Regulations, it will be seen that the whole of the police depends on the thanah establishments and the pausbauns. The darogahs, it was probably expected, would be ready to give assistance wherever it was wanted, and the pausbauns to give the darogahs information to enable them to check offenders. It is true the Regulations require assistance on the part of the people, but as yet their co-operation has not been made effectual.

To understand how far the present plan is likely to answer the end of its institution, it will be necessary to consider the strength of the thanahs and the use of the pausbauns.

1st. The Thanahs: The extent of jurisdiction assigned to each darogah, must be sufficient to demonstrate that, be his exertions never so great, he cannot protect many distant places. The attack of robbers is sudden; and when they have secured their plunder they separate, and are in safety long before the darogah knows what has happened. His ten burkundauz furnish little real strength, for half of them are absent on various calls, and in the discharge of their several duties; but his power would be still very limited if they were all present, unless for the protection of the thanah. Robbers have not yet arrived at that degree of daringness to assault the darogahs themselves, but many of the places where the thanahs are established have been plundered. The whole use, therefore, of the thanah, at present, is to search for offenders; and this is generally ineffectual, as their names and their retreats are so seldom known. This gives rise to what I am afraid is little less than robbery; searching houses with or without grounds of suspicion, and putting many an honest man to pain and loss, while the real offender is secure.

2. The Pausbauns. From the distance of the thanah, most of these officers attend it only when they please; that is, just to save appearances; and when they are more attentive it produces little good. Although they know every thing that passes, and cannot be ignorant of the idle, suspicious characters which are lurking about, the best information which the darogahs receive from them in general, is, that a robbery or theft, or other felony, has been committed. It very seldom happens that they anticipate the act, by giving timely notice at the thanah. Can this be wondered at? They are under no control, unless that of the darogah may be so called. They are very badly paid; and their allowance being made to them in land, they are obliged to give a good deal of time to the cultivation of it. This land being a part of the estate of the zemindars, it is natural for both the pausbaun and the zemindars to consider those officers rather as their servants than as those of the public. A darogah may possibly discover the misconduct of a pausbauns but the zemindar every day feels the wants of his services; and he knows he is in much greater danger from the resumption of his jaghcer or his dismission, than of any punishment for neglecting the public. Thus the pausbauns, in their best state, are but nominal servants; yet they alone supply the darogah with what little he knows of his district, which, to say the truth, is seldom worth knowing. But the pausbauns are very often the robbers and plunderers whom they are appointed to protect the country from, or intimately connected with them. This fact is proved by the records of the Foujdarry; and when they are not convicted, the suspicions entertained of them are but too well founded.

In estimating the strength of the police, the people are entirely out of the question; for they have no public character, and will not unite. They are also afraid; for a notion prevails, that an innocent man may be tried for his life, if he should be obliged, in any situation, and under any circumstances, to put an offender to death. It may be easily conceived whether this does not tend to that dangerous height to which robberies have arrived. A burkundauz of one of the thanahs fell a sacrifice to this opinion, receiving two wounds, and being assaulted by several of his prisoners, without attempting to return a blow. A gentleman near Bahi, after defending his house a whole night, when threatened, and almost attacked, enquires afterwards of the darogahs whether he might have fixed upon the robbers. By whatever means it can be effected, this fear must be removed, or all the regulations which can be devised will be fruitless.

It would be unpleasant to detail the state of this district. Robbery, theft, and burglary, prevail to that degree, that nothing can be more insecure than the lives and properties of the people. It is needless to describe every minute offence; because, if those of a more serious nature can be checked, the police will be abundantly equal to the rest. The principal offences are burglary, highway or footpad robbery, theft, and stealing of cattle. Theft is chiefly committed at mailahs, and other public meetings; the other offences require no explanation. But burglary is of so dangerous a nature, that I should leave this business completely unfinished if I did not describe it. By burglary I mean what, if I understand Burne, the word originally imported, theft or robbery, with or without violence, at the dwellings of people. It here appears in every form, from the single thief, who, in the dead of the night, creeps into a house, and pilfers what he can lay his hands on, without exciting alarm, to the gang robber, who sets whole towns and villages at defiance. No house is safe, nor even property a protection, for nearly a whole village has been robbed and set fire to. Those daring burglars are generally in large gangs, well armed. They shew no mercy, but force their way into a house, killing or wounding all who are so unfortunate as to fall in their way. Sometimes a hole is made in the wall; sometimes the door taken off, or the thatch lifted up, till an opening is made. I have known an instance of two burglaries in one house in a night, and two or more in the same village. One person described to me that he saw them enter and walk about his room. But they are not content with plunder;

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inflicting often the most shocking wounds, and sometimes death, which it appears they generally intend.

Having made several enquiries, in consequence of Mr. Secretary Tucker's Letter of the 1st May 1800, I beg leave to state the result; as, in my opinion, many useful hints may be extracted from it.

1. It is observed, that almost all robberies and thefts are committed with the knowledge and connivance of the pausbauns; that there are many in which they are directly or indirectly concerned; that pausbauns and dusadhs, gualahs, domes, chummurs, mooshurs, rujwars, and people of some other low castes, are the principal offenders. They recommend that mochulcahs be taken from those persons, binding them to produce all public offenders, with the stolen property.

2. That formerly, where robbers attempted to enter a house, and the master of it alarmed the neighbourhood, the whole ward immediately came to his assistance, that if the offenders offered the smallest resistance, or did not suffer themselves to be taken, they were cut down. They add, that Government never thought of calling any one to account for having acted in such a manner.

3. That it is at all times extremely difficult, and often impossible, to produce two witnesses to acts committed often in secrecy, and generally in the dark, and that many notorious offenders escape in this way.

4. That the present plan of police is not at all oppressive, and would be a good one, if the powers of the darogahs were not too limited and if they could give assistance immediately where it is wanted; that the establishments of burkundauz should be augmented to twenty or twenty-five.

5. That the punishments inflicted on convicts are much less than their offences deserve, considering the facility with which they may be committed, and the extreme difficulty of detection and proof. That they are so well used in jail, confinement is no punishment, but tends to confirm them in their bad habits; that perpetual imprisonment alone can preserve the public from these disturbers of the peace of society; that formerly a capital punishment was occasionally ordered on the conviction of robbers, and even thieves, which had good effect, by inspiring culprits with some awe.

6 That abcaurs, goldsmiths, blacksmiths, and other artificers of similar descriptions, as well as cloth sellers, be required to execute mochulcahs not to buy or sell second-hand property, but on haut days, and that such sales should be registered in the police office. That the same restrictions be extended to the sale of cattle.

7. That people of inferior castes, before enumerated, be not allowed to leave their respective places of residence, to wander about and idle away their time as they please.

8. That all descriptions of people be required to remain within doors, and all shops be shut, after the sixth ghurry of the night.

9. That travellers be required to remain at the serai, or other place where they may put up, from after the sixth ghurry of the night till morning.

10. That vagabonds and idlers of the lower descriptions of the people, who are without visible means of subsistence, particularly if their expenses are disproportionate to their condition, and they spend much in spirituous liquors, and all other persons of notorious bad character, be taken up and confined, and kept to hard labour. Of all whom I consulted, there are only two, and they are two of the darogahs, who recommend the police to be put under the landholders; the rest are decidedly against that measure. As Government have asked my opinion on this proposition, I will offer it; it is, I think, the way to frustrate much of the benefit of the Regulations, and consequently to impede the improvement of the country. There can be no doubt that the sooner and the more completely the bulk of the people are emancipated from their present degraded state, from which however they are emerging, the better it will be for the country at large. When they are less dependent, their characters will, of course, be more respectable; they will not be easily brought to swear to facts they know nothing of, or which they are conscious are totally different from the declarations they are taught to make; neither will they be ready to obey the call of every zemindar who wishes to dispossess his neighbour of his estate, or to fight for a watercourse. I take it for granted, when they begin to know their rights as they ought, they will value them too much to sacrifice every thing to gratify the avarice or revenge of an opulent zemindar. The emancipation of the lower orders will not be inconsistent with the rights of the zemindars, whose legal interests can never be so completely promoted as by encouraging the husbandman; or with the rights of Government, which is deeply concerned in the content and happiness of the lower classes, not only from the direct advantages to be derived from their exertions, but also from that firm attachment which must be the result. If the zemindars are to be entrusted with the powers of Justices of the Peace, it is generally thought they will convert their powers to their own advantage, in all cases where their interests are concerned, and such cases will constantly arise, or rather there will be none but such. If there were Civil and Criminal Courts, where every cause might be speedily heard and determined, this objection will be less strong; but under the present Government of the country I think it is insuperable. It is well known what influence the zemindars have; how easily they can raise a mob to execute the most unlawful purpose, and afterwards justify it by false witnesses. How then can a poor but honest man, who has resisted unlawful demands, hope to escape their vengeance? Power every where creates too much influence; even the darogahs, who are strangers, have more than needful; that of the zemindars would be irresistible. This measure, therefore, appears

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appears to me highly objectionable, as it will create a power interested to defeat the objects of public justice and to substitute legal oppression, which no exertions of the Civil or Criminal Courts will ever be able to correct. But there are other arguments against it also; the zemindars have quarrels between themselves; in these they will be the arbiters of their own rights: moreover such of them as I have seen, with a few exceptions, are not qualified by abilities and education for so important a trust. Those who are really honest, would either be inactive from want of knowledge, or would introduce more confusion than their best exertions would atone for; of this I have had some experience in the police darogahs, whom it is often necessary to instruct on parts of their duty which appear to be little liable to doubt.

It would be still more objectionable to revert to the old plan of making the zemindars responsible for robberies, for it would throw all back again into that state from which the British Government has been redeeming the country, and produce oppressions which would be endless and beyond controul. For every rupee which they would be compelled to pay, they would reimburse themselves with interest, not in a direct manner, but by abuse of that almost unlimited power which such great responsibility would oblige Government to delegate to them.

The following is the outline of the plan which appears to me necessary:

1. I recommend that there be four more thannahs erected in this district; that each darogah receive a salary of sixty rupees, and each jemadar and mohurrer a salary of fifteen; and that there be an establishment of twenty burkundauz at each thannah; the whole expense will be as follows:

14 Darogahs	at 60	840
14 Mohurrers	at 15	210
14 Jemadars	at 15	210
280 Burkundauz	at 4	1,120
5 Rupees a month allowed to each darogah, for cutcherry, stationary, powder, ball, &c. &c.		70
		2,450

Present Establishment:

8 Darogahs	at 25 R^{s}	200
2 D^{o}	at 30 D^{o}	60
10 Mohurrers	at 5	50
10 Jemadars	at 8	80
100 Burkundauz	at 4	400
Allowance for cutcherry, &c. &c. as above		50
		840
Difference		1,610

It would be superfluous to attempt to prove, that the mohurrers, who have the care of the records, and on whose fidelity so much depends, or that the jemadars, who often supply the daroghahs place, are very ill paid. With respect to the daroghahs, the allowance of twenty-five or thirty rupees is nearly absorbed in their public expenses; they must keep a horse or a set of bearers; and moving from place to place, to which they may be summoned any time of the night or day, must put them to superfluous charges. The duty requires some education, abilities, address, perseverance, integrity, great bodily labour, and undaunted courage.

2. When the daroghahs are fixed, they should immediately subdivide their jurisdictions into eight or ten, or as many districts as may be expedient. From each of these they should select a certain number of the most respectable independent and intelligent persons, to whom, or to as many of them as may be necessary, the magistrate should have authority to grant sununds, empowering them to hear and decide on all petty prosecutions in the Foujdarry, alluded to in section 8, Regulation 9, 1793. I propose that their decisions be final, but that that part of them which relates to fines and imprisonment, be executed by the magistrates. They may assemble once a month, and three of them at least should be obliged to attend. I may venture to promise their labour will not be very great, for most of these suits arise from a wish to punish the party complained against, and not from any real injury sustained; and when the prosecutors see that they cannot push their revenge so far as they may wish, they will only go to the tribunal when they have real cause to complain. Numbers of witnesses suffer from being brought to a distance from their homes on these frivolous complaints.

3. These Commissioners should then procure the appointment of a police officer in every town and village within their division; and this I propose to be in the following manner: They are to nominate for each place, a certain number of persons whom they deem best qualified for the trust, and the inhabitants an equal number; it may then be determined by lots who is to officiate. To these police officers, I propose to give authority to suppress affrays, and to apprehend felons, vagrants, or other idle persons, as well as people of notorious bad character; but they are to have no judicial authority whatever.

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4. Persons of notorious bad character, vagrants and idle persons, when arrested, should be carried before the Commissioners, who, if not then assembled, should be assembled for the purpose, that enquiry may be made into the circumstances and evidence alledged against such persons; the Commissioners should transmit the prisoner and their proceedings to the magistrate, or cause the police officer to do so. When the magistrate is satisfied with the proceedings and evidence, he is to proceed against the prisoners in the manner to be hereafter mentioned. If he wishes for further information, he may either summon witnesses or direct the Commissioner to make a further report. When he is of opinion there is no cause to detain the prisoners, he shall be authorized to release them immediately.

5. To introduce order and regularity, the following rules are recommended:—That every male be obliged to register himself, his caste, profession or occupation, in a register to be kept by the police officer; children to be registered by their parents and guardians. That none of the labouring classes be allowed to move from one place to settle at another, without first obtaining a certificate from the police officer; this will fully discriminate the industrious from the idle. That none of the lower classes be allowed to carry arms abroad, but to keep them in their houses; this should extend to the suwarries of great men (natives) and to all whom they employ. That all shops and houses be shut, and people of every description required, and, if need be, compelled to remain within doors from after dark. Notice of the time may be given by beat of drum, or some other manner. If this rule be strictly observed, there never will be any danger of mistaking an honest man for a thief. That travellers and strangers be compelled to stay at the serai, nor suffered to remain in the skirts of the town or village after dark; nor to leave it either then or at any time, if they cannot reach the next place before dark. Travellers must also be rigidly compelled to pursue the direct road, and not allowed to wander from it at any time; much will depend on the faithful execution of this regulation. That bhuttiarahs and bhuttiarins be made responsible for all thefts and robberies committed on travellers, and for drunkenness at the serai, as well as for travellers infringing these rules. They ought to give security for their good conduct, and execute mochulcahs to the above purport; but they should all be appointed by the magistrate, on a report from the Commissioners, that they and their sureties may be trusted. Great complaints have been made of these people, and every check should be thrown in their way. That ferries be put under the police officers. The boatmen to give security for their good behaviour, and execute mochulcahs engaging to keep good boats, and always in repair; to receive no more passengers into a boat than a certain number, to be fixed, nor higher rates than are allowed, nor to take any passenger after dark; the number of passengers for each boat and the rates of fare should be ascertained and settled by the Commissioners and reported to the magistrate, and afterwards fixed up at the ferry. That the police officers keep a register of the sales of all second-hand property and cattle, and that all persons on whom articles of this kind, and cattle, may be traced, which have been stolen, and the same have not been registered, be considered as aiders and abettors of thieves and robbers; that the venders of spirituous liquors and fermented taury, be settled as near the police office as possible. It would be much better, in my opinion, if the stills were worked in the towns and villages, as the refuse of them was never experienced, that I know of, to produce any bad effects. The abcaurs might be required to dispose of it so that no nuisance could arise; but though in such large places as Patna it may be detrimental, I never heard it complained of at Gua. By working the stills out of the town, a great deal of smuggling may be carried on; and if the abcaurs are connected with thieves, there will always be an asylum for them, which will in a great measure prevent the regulations proposed from having their full effect.

6. It is recommended, that the controul and direction of the pausbauns rest solely with the police officer. Upon taking charge of his office, he should take a muster of them, and all such as from age, infirmities, or misconduct, may be deemed unfit to be retained, should be dismissed; but the power of appointing and dismissing should be exercised under the approbation of the Commissioners. With respect to the pausbauns, they should all be residents of the place; and it should be the particular duty of the police officer to see that they are all armed with a sword, shield, and spear; that they keep watch from sun-set to sun rise at the places appointed. The police officer must also instruct them to keep watch in silence, and what signals to make when aid is wanted, and such other parts of their duty as require his superintendence.

7. Whenever a police officer may be of opinion that the number of pausbauns attached to any place is too small, or that the jageer land allotted to them is insufficient for their maintenance, he should signify the same to the Commissioners; and if they, on enquiry, should be of the same opinion, they should be empowered to call upon the proprietors of land in which the town or village is, to assign such a further quantity of land as they may deem necessary, and direct the police officer to entertain the additional number of pausbauns which they may authorize; nor should this be optional with the landholders; on refusing to comply within the time limited, the Commissioners should report the affair to the magistrate of the zillah, who should be empowered to order the land to be immediately measured off. It is proposed that the pausbauns be all paid at one rate, and in cash, monthly. This is, I trust, no infringement of the decennial settlement, by which the zemindars were responsible for the police.

8. It is proposed that all the jageer lands assigned to the pausbauns in each subordinate division, be farmed out under the management and controul of the Commissioners.

9. That a reward of fifty rupees be given by Government on the conviction of every burglar, highway robber, or murderer taken in the fact, or in actual pursuit; and twenty per cent.

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cent. on the value of property rescued in the above manner from robbers: this is to be given by the owners.

10. The pausbauns are to exert themselves to arrest all persons in the commission of crimes, as well as all others found out of doors after dark; and with the police officers and others to pursue them to the next town or village, whence they are to be followed in the the same manner from place to place, until they are apprehended. If any such persons should resist, or not suffer themselves to be taken, and there be no other way of securing them, the police officers, pausbauns, and all other persons, should be authorized to kill them, rather than suffer them to escape. This power should of course be so expressed and qualified as to prevent it from being wantonly abused; but the plain fact must be told, or the resistance will never be effectual. People are now really afraid of coping with a robber, lest, if they should be obliged to put them to death in any situation, they should take their trial as murderers. I beg leave to refer to the English law in matters of an infinitely less serious nature. I have not any apprehension this power would be abused; for first, a regimen is proposed, by which all honest men may take care to be out of the way of danger; and in the next place, I do not think the people are of a sanguinary disposition. If, unfortunately, it should be necessary to put a man on his trial, nothing but proof that the blow was unnecessary and deliberate could justify any punishment whatever. The question, however, for Government to determine, is, whether they will authorize the exercise of a natural right, and tell the people so, although it is possible an innocent man may suffer from his own fault or folly; or whether they will disarm the inhabitants, and leave them exposed to every assault from the merciless villains who now infest the country. To me there appears no medium.

11. To keep a communication between different parts of the country, without depriving any place of its pausbauns, all letters, prisoners, and packages, should be forwarded through the police officers, and the pausbauns of one place be obliged to go no further than the next. The police officers must also be instructed, that they again may instruct the pausbauns in what manner stolen property is to be secured, that it may be known and proved, when opened before the magistrate. Much of this minute kind of regulations may be safely left to the magistrates.

With regard to punishments, it may be first remarked, that this is one of the cheapest countries in the known world, and that very slender exertions are sufficient to enable the poor to maintain themselves; that there is always employment, consequently they can have no excuse whatever for idleness. I am and have long been of opinion, that a very moderate portion of industry might enable a family of the labouring classes in this country to live much better, and to have many more comforts than fall to the lot of the same descriptions of people even in England. If, therefore, in that country want be no excuse, and idleness be punished, it ought here to be treated with at least equal severity. When the poor are idle, there is always danger to be apprehended. My next position is, that as criminals seldom or never reform in this country, temporary imprisonment is almost always insufficient. The prisoners grow hardened in jail, and leave it infinitely more likely and more able to do mischief than before. The next consideration is, the extreme facility with which burglary, which is the principal offence, may be committed. The people are all disunited, unarmed, and either obliged to throw their doors open and expose themselves to the open air during the greatest part of the year, or their houses are too slender to resist an attack.

Upon these grounds I shall, without further preface, propose a scale of punishments. In whatever manner they may be modified and improved, I believe all the magistrates will agree in the principles I have suggested. The punishments will appear moderate or otherwise, according to different views.

1. For theft, committed without threats or violence, on the person or house of an individual, but not at night; for shoplifting; and for stealing cattle; for the first offence, five years imprisonment and hard labour.—For the second, fourteen years imprisonment and hard labour.—For the third, perpetual imprisonment, hard labour, transportation, and loss of caste.

2. For highway robbery, not attended with wounding; for the first offence, fourteen years imprisonment and hard labour.—For the second, perpetual imprisonment, transportation, hard labour, and loss of caste.

3. For highway robbery, attended with wounding or beating, but not death; for the first offence, perpetual imprisonment, transportation, hard labour, and loss of caste.

4. For highway robbery or murder, either immediate or consequential, death.

5. For burglary, without forcible entry, threats or violence; for the first offence, fourteen years imprisonment and hard labour; for the second, perpetual imprisonment, transportation, hard labour, and loss of caste.

6. For burglary, with forcible entry or wounding; for the first offence, perpetual transportation, hard labour, and loss of caste.

7. For burglary and murder, immediate or consequential, death.

In order to deter from the commission of these crimes, it should be made known in the most public manner, that no discriminations will be made, but that all the gang will suffer alike. This will, in my opinion, greatly prevent gang robbery.

Although those who commit these crimes seldom have any property, yet that is not always the case; therefore, in all felonies, the property, real and personal, of the convict, should be confiscated.

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All persons convicted of felony should be rendered incapable of prosecuting in any Civil Court, or giving evidence in any Court whatever, or bringing a prosecution in the Criminal Courts, but for the sake of public justice.

Another scale might be framed upon the principle of remuneration; and as idleness is the parent of most crimes, this mode of punishing would not fail of good effects. For this purpose, that, in addition to the temporary imprisonment, be ordered further imprisonment, until the value of the property should be restored.

8. For receivers of stolen property of every kind, and cattle, or persons on whom such may be found, unless they shall have registered the same in the police office; for the first offence, fourteen years imprisonment and hard labour, with the obligation to restore the value of the property; for the second, perpetual imprisonment, transportation, hard labour, and loss of caste.

It can require no argument to prove, that the receiver is as bad as the thief; nor can any person pretend ignorance if he fails to register his purchase, which act will accure him.

I have taken no notice of murder committed by those who intend neither to rob nor steal; because it is generally understood that this crime, when deliberate, is to be punished with death.

With respect to vagrants, idlers, and persons of notorious bad character, magistrates should be empowered to confine them to hard labour from one to four years, according to the circumstances of the case.

The treatment of the prisoners in jail has been complained of as too good; but the only alterations I can suggest, are, that if provisions cannot be made for their safety, and they cannot be sent to make a road which would be useful to the public, as from Shehrghauty to Patna, which is much wanted, but which would require the labour of the prisoners of two or three jails, a workhouse would be the best mode of making them feel their sentence; but in either case, a European ought to superintend. They now save something out of their allowance, and lending, borrowing, and thieving, are very common amongst them. They must be taken off from their work earlier than labourers, to allow them time to dress their victuals; and so much delay occurs in the morning and evening in counting them; that their work is but trifling. The area of the jail is covered with filth, arising from their cooking. On these accounts, I strongly recommend that the money allowance be discontinued, and that a Brahmin and a Mahomedan cook be appointed to dress their victuals. This will save something to Government, will preserve cleanliness and contribute to health, will prevent many quarrels, put an end to stealing, and enable that part of the sentence which enjoins hard labour to be better carried into execution.

There is a crime, which, if possible, is greater than any I have yet noticed, I mean deliberate perjury, and, what is the same, subornation. It does not come under the head of police, but strikes at the very foundation of justice, civil and criminal, and renders the honour, life, and fortune, of every individual in the highest degree precarious. I am much afraid it has increased, and will continue to increase, in consequence of the 3d Regulation of 1801.

Of this Regulation I beg leave to observe, what may be said of some others, that it was not necessary for this district. I am not aware there ever have been here those iniquitous prosecutions which it supposes, and I am obliged to say, that, in my opinion, it is hardly possible to enact too many pains and penalties, or to establish too many ordeals, by which the validity of testimony may be tried; so dreadfully great and common is the crime of perjury. There are now two causes in the Dewanny Adawlut, in which the witnesses of the two parties have sworn directly opposite to each other, with regard to the existence or non-existence of physical points; for instance, whether in a particular village there be one or two watercourses. It is evident, that this species of falsehood is convicted by a bare sight of the ground, and is not a matter about which any error of judgment can be formed; it is therefore impossible to suppose, but that the witnesses of one side or the other have knowingly and deliberately spoken contrary to truth. In short, to speak my mind without reserve, this crime is so common and audacious, that it has excited in me the most complete scepticism with respect to all evidence which is offered, and I seldom pass a decision, without having cause to doubt if I have not been imposed upon. The manner in which witnesses who directly contradict each other, stand cross examination, and the effrontery with which they look people in the face, is really astonishing. The person who has to decide, must frequently lay hold of the smallest inaccuracy, or trust to what appears a greater probability, or remain suspended between two opinions, of which he cannot otherwise find any reason to prefer one to the other. There is now a man in jail, who has been committed for the most deliberate perjury, in swearing point blank contrary to his former testimony on the same matter. So far from being impressed with any sense of shame at a public conviction of his crime, he appeared to consider himself an injured man. He acknowledged, his former evidence could not dispute its difference from that which he was then giving, but said that the plaintiff's agent had betrayed him; that he had agreed to give false evidence before, but as a salvo to his conscience, was assured, that instead of the Koran, the Guliston or Bostan should be put in his hand. In this manner, I have no doubt, ignorant wretches may be induced to give false evidence; and if this will avail in general, we know that the Hindoos may by their religion swear falsely in so many cases, that the veracity of all their depositions may be called in question. I am seriously of opinion, that some attention should be paid to the education of the lower classes of the people, who now are quite uninformed on every subject which may distinguish them from the brute creation. The religion of the Hindoos holds out no threat to them, and that of the Mahomedans is but little known to the lower classes; at all events, it is evident that

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temporal punishments alone are likely to have any effect. These punishments must be pretty sharp, nor must we forget to avail ourselves of prejudices, which perhaps may contribute more towards the suppression of this crime than any other measure.

I propose therefore, that every person convicted before a Court of Circuit or the Nizamut Adawlut of wilful and deliberate perjury, or of subornation of perjury, be punished in the following manner. That all his property, real and personal, be confiscated by Government; that he be for ever incapable of giving evidence in any suit whatever, or of suing in any Civil Court or in a Criminal Court, if he can derive any personal advantage from it; that he be incapable of inheriting any estate or receiving any gift; that he be marked in the forehead, as already directed. If the perjury or subornation shall be of that nature, that if it had not been timely detected, the party whom it was intended to affect might have been sentenced to death, to the foregoing penalties and disabilities, perpetual imprisonment, transportation, and loss of caste, should be added.

After what has been said, it will, perhaps, be advisable to leave as little as possible to the evidence of witnesses. It is therefore necessary that the rules relating to pottahs, and receipts for rent and revenue, should be rigidly enforced. So little are they regarded, that I doubt if one single person in the whole district has complied with Section 58, Regulation 8, 1793; and I have had occasion to see that people are very ignorant of them. Whatever indulgence may be shewn in districts where written deeds are very seldom in use, here need not be extended. It can be no hardship for a ryot who may take a pottah for ten years, to apply for one, or for a zemindar to grant it. If a zemindar does not keep a putwarry in every village, one active man may suffice for many. Neither are the terms on which the ryots cultivate in Behar at all inconsistent with the most complete enforcement of the rules in this respect, for the Regulation already cited provides for almost every form and condition; perhaps in some cases a condition may be requisite respecting water, and the mode of dividing or ascertaining the value of the crop. All this the Collector might easily settle, by allowing the parties to introduce any stipulations, provided the substance of the Regulation be attended to. I do therefore offer it as my firm opinion, that after the people are apprized of these rules, by means of a publication, all claims should be dismissed when the party suing has neglected them.

If a ryot cannot readily obtain a pottah, let him apply to any of the public authorities in the district; and, if a receipt be refused when he tenders his money, he may make his payment through the same medium. Should the ryots cultivate any land without taking a pottah, or seeking to obtain it in a legal way, the landholder or farmer should be authorized to cut down the whole crop, without leaving the ryot a single grain. These means will bring both parties to their senses, and to a proper respect for the Regulations.

The Regulations relating to the attachment and sale of property for arrears, allow the Commissioners no power to scrutinize into the right of the claimant: so much has this power been abused, that I am told perfect strangers have actually, in this way, committed robberies. The ryots again, who may owe something, but not the whole sum demanded, are seldom backward in rescuing their property from the distrainer.

Thus robbery and violence prevail. As I could not conceive that it was intended that the Commissioner should act against his knowledge, or that he should take the distrainer's word in every instance, I took the liberty of directing these officers, as well as the darogahs, not to assist any distrainer, much less to sell what he might attach, unless they were certain, from the documents which the distrainer could produce, that there was at least the relative situation of ryot and renter, or proprietor, between them. I have not heard that this has stopped a single rupee from finding its way into the zemindar's coffers, and have been assured it has almost entirely cut up the evil by the root. I would beg leave to observe, that the Commissioners, being at a distance, can seldom know the truth of the demand; that therefore either the police officer, or the new Commissioners whom I have described, should be applied to when the other Commissioner is not so near; and that something of an examination of accounts, to render it highly probable, at least, that the arrear demanded is really due, should take place, and be recorded by the Commissioner or other person entrusted with this power, and a copy of it given to the ryot or renter, against whom the process may be directed; that if he chooses to bring the affair before the Adawlut, it may be seen what sort of justice has been dealt to him.

There are two other offences which I might, with propriety, have classed under the police; I mean violent dispossessions, and quarrels respecting watercourses; but, as they are not committed by public offenders, and are generally followed by a suit in the Adawlut, I have reserved them for separate consideration.

I have generally observed, that those parts of the Regulations which can be converted to purposes of fraud and chicanery are best understood. Dispossession is sometimes effected by fraud as well as force, but however effected, it throws the injured party into a very unpleasant situation; for perhaps false witnesses may be procured to disprove his previous possession, or from collusion with an amlah, or possession being taken during their absence, it may be very doubtful how it was: the person dispossessed is then obliged to institute a regular suit to prove his right, which, in other words, is being thrown out of his estate for years, before a regular decision can take place. On the other hand, dispossession is often fictitious; a dismissed agent, or a farmer, whose lease has expired, pretends that he has been dispossessed, when he had no right whatever to be in the estate at the time; or a person watches the opportunity to get in, colludes with a few ryots or amlah, and when prevented by the real occupant from thus stealing his rents, brings his action for dispossession. Thus, in various ways, are excellent regulations perverted to bad purposes. The

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only way which occurs to me, to put a stop to these practices in future, is to establish a formal mode, by which every person is to obtain possession. All sudder malguzars should be considered as in possession, so far as may relate to any others of that description, until a perwannah for possession be given to another by the Collector, and his perwannah should be deemed the criterion. The same will hold equally good with respect to the proprietors of all lands not paying revenue: those who are registered in the Collector's office should be entitled to perwannah of the same kind: in lands of this last description, mortgagees and others, whom the proprietors are to put in possession by any engagements, should obtain it in the same and no other manner, and in these cases I see no reason why a fee or a stamp may not be imposed. Agents ought not to be considered as in possession, that they may not, as they sometimes have, set up a claim to it: if they do not void the estate the moment their employer dismisses them, he should have authority to procure their arrest, by application to the Foujdarry (not the darogahs); but employers must take care to grant regular sunnuds, and to take some kind of writing from their agents; that the relative situation of employer and agent may not be disputable. Also when an estate is engaged for by many proprietors, it will be better if the Collector declines giving any perwannah until they have chosen a mokhtar, to whom and to whom alone possession ought to be given; and as proprietors of joint undivided estates will interfere, often to their mutual loss, and delay in realizing the revenue of Government, it would be a good rule, if it were proclaimed that such persons are not entitled (as they certainly are not) to receive any rent; and that any ryot or renter who pays them shall not receive any acquittal for such irregular payment, but be obliged to pay again. At the same time I would beg leave to recommend, that in all small estates the shares or putties be divided off whenever the parties please, according to the custom which prevails, of sharing in every part of the estate and every description of land, instead of receiving a distinct share, as ordered in the Regulations; as the mode I propose is no less calculated to secure the public revenue, and may be effected immediately under the Collector's authority; whereas the other mode is hardly practicable in many cases, and is so tedious and expensive, that it is almost a prohibition. These putties, thus divided, will be infinitely better cultivated by the owner than the whole estate by a mokhtar, perhaps not interested about the event, or one of the proprietors, who may wish to keep the estate in balance, with a view to buy the whole; and the landholders will also be exonerated from a heavy charge in their revenues.

When a sudder malguzar, in which definition I include all proprietors and farmers holding immediately of Government, as well as the mokhtars, in joint undivided estate, or a proprietor of land held free of revenue, or the persons to whom he may have mortgaged his estate, or made it over in any way except as a mere farmer or renter, shall enter into engagements with any farmers or renters, and become bound in consequence to put them in possession, the parties or their agents, with a power of attorney, under the seal of the kauzy or mufty, should go to the Commissioners whom I have recommended, or to the police officer, and in the presence of either of those officers deliver a deed entitling the farmer or renter to possession, recording the same in the office. This transaction may take place before the Commissioners appointed to try civil suits, or before the kauzy. If any of these renters or farmers should re-let the land, they should give possession in the same manner; but it should be signified that no possession will be valid beyond the term of the lease, but that the renter must vacate the estate at that time, unless it be renewed, when the same process of giving possession should be repeated. It should also be signified to under renters that they can have no interest beyond the term granted to the person from whom they hold; and that no imposition may take place in this respect, the pottah to the first renter should be produced before possession is given, or the subordinate one. In addition to these rules, it will be necessary that all persons now in possession register their possessions, either in the Collector's office or in the Mofussil offices, according to the nature of their tenure. No person should be allowed to bring an action for dispossession, who has not complied with these rules; but it will be unsafe to allow any one to dispossess another. Whenever, therefore, an arrear is due, and not satisfied, or a lease has expired and the farmer or defaulter refuses to vacate the land, recourse must be had to the Adawlut, and in these cases double costs should be given against the party cast, and the cause should be heard as causes now are for dispossession. Mortgages must of course be settled in the Civil Courts. I am inclined to think these rules are so plain, that it will be very unsafe for people to be guilty of the frauds and violences which they are intended to prevent.

The disputes relating to watercourses cannot be so easily settled. Sometimes both parties are entitled to a portion of the water, and pay a proportion of the expense; sometimes the right is questionable, from both parties having occasionally made the repairs or taken the water with or without violence. There are also many peculiar customs and rights which give rise to disputes, and cannot well be defined. If it were possible for this important concern to be taken into the management of Government, an end would be put at once to all disputes; and it would not only be equally convenient, or perhaps more so, for the larger zemindars to be supplied in this manner, but those of smaller property would then be enabled to cultivate many bregahs of productive land which now cannot be reclaimed. The whole expense might be recovered by a very easy assessment in various modes, according to particular circumstances and situations. But so extensive an undertaking would require the skill of a surveyor, by whom the further advantage might be obtained of filling up the outline of Major Rennell's maps, and what is, in my opinion, not altogether beneath the notice of Government, of writing the names of places in such a manner that travellers

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travellers or others may be understood by the natives, which now is not always the case, owing to the fundamental errors of that geographer, in his total want of a system of orthography. I take the liberty to mention, on this subject, that it would be a great improvement to the maps, if the Collectors, &c. were to be called upon to send a list of names of places, rivers, mountains, &c. &c. according to one uniform standard of writing, which Government might previously dictate. There are many works of gillandauzy to be performed, which the zemindars are not equal to. For instance, the rising of the Soane is always attended with loss, for it deposits sand, which renders the ground barren. Embankments, which would not cost a very large sum, might prevent this waste, and surely it cannot be a matter of indifference to Government. In other places inundations, to which many parts of the district on the banks of the Ganges and in that quarter are subject, might be stopped. A single proprietor of land in pergunnah Ghyaspoor assured me, that the entire produce of the khurreef crop of three of his villages had been thus destroyed this year. He has indeed some hope from the rubby, but this is much abated by the uncommon cheapness of grain at present. I have spoken to some of the zemindars on this subject, and have reason to think they would regard the aid of Government in this respect as a further distinguishing proof of that parental care which they gratefully acknowledge.

Disputes for water occupy much time in the Adawlut; and though they, of all other suits, ought to be decided most expeditiously, it is more difficult to determine them than any others. I do not see why the Kauzy or Commissioner for hearing civil suits, or the Commissioners I have recommended, may not hear and determine these disputes, when they are not interested in them; and after applying to one authority, the parties may appeal to another, when they are not satisfied, and only have recourse to the Adawlut when they have thus failed of obtaining what they may deem their rights. I should suppose that some of these public officers, by going to the spot and taking the opinions and the evidence of skilful people acquainted with the rights and customs of the parties, might generally decide these affairs, without rendering it necessary for them to waste their time and money in lawsuits; but if nothing of this kind can be effected, still it is necessary to put a stop to affrays, on this account; they are sometimes attended with murder, and generally with violent assaults. I therefore beg leave to propose as follows:

That all persons who assemble to dispossess another of a watercourse or land, or to take the water or crops by force, and an affray ensues, and any person be dispossessed or beaten, be punished by three years imprisonment in the Fouzdarry jail, and disqualified during that period from bringing any civil suit or giving evidence in one. That when a severe wound has been inflicted, the punishment and disqualifications extend to ten years; and death when any person, of whatever party, has been killed, together with confiscation of property real and personal. That the party dispossessed, or whom they attempted to dispossess, be entitled to the land, watercourse or crop, at least as far as relates to the rights of the affrayers; if any agent of a landholder, or other person claiming such land or watercourse or crop, be present, his rights should be made over to the injured party. In order to determine who are the aggressors in cases of claims regarding water, it should be declared, that they who came last to the spot shall be so considered; if both came together, then they who did not repair the works or quietly enjoy the water last year, shall be considered the aggressors; when both are in this predicament, both parties are evidently the aggressors. That there may be no doubt who did repair the works, the accounts of them, certified by the police officer, when he is not concerned, should be deposited in the Kauzy's office, under his seal and signature, to be called for as required. It is to be observed, that there is a certain point of honour in these affairs, and that the parties are confident their adversaries are alone culpable, when any of the side of those who come to complain have been killed or wounded. It is impossible to discriminate; they all go to fight, and are all, in the eye of reason, equally culpable. In many of these disputes it is impossible to say who ought to be prosecutors or prisoners, and I have sometimes found it necessary to disregard their accounts entirely, and to hear witnesses only; but the witnesses are frequently objected to, as being concerned in the dispute. To determine who are the zemindars agents, it is, in my opinion, absolutely necessary to direct that all their sunnuds shall be registered in the office of some of the public authorities, to which ryots may have recourse, without trouble, to satisfy themselves to whom they are to pay; and all payments made to any but such registered agents, should be deemed no payments at all. The zemindars too should be enjoined to take counterpart engagements from those whom they employ, to be registered in the same manner; and if copies of the sunnuds were published and fixed up at some place in the village, where the appointments are made, it would tend further to remove all doubt. That the ryots alone may not suffer, it would be well if the receivers of rents, without sunnuds, were to be subject to double repayment, with costs, whenever the ryots may prosecute them in the Civil Courts.

I have thus offered my sentiments on many important points, sensible of my complete inability to do justice to the subjects on which I have touched, but thoroughly convinced that some similar regimen is extremely wanted for the improvement of the country, for the happiness, and even safety of the people.

Zilla Behar, 15th November 1801. (Signed) *A. Tufton*, Mag^te^.

(A true copy.)
A. Tufton, Mag^te^.

No. 1.

Answers by the JUDGES.

Patna Division.

Zillah Shahabad, 11 December 1801.

To N. B. EDMONSTONE, Esq. Secretary, &c. &c.

SIR,

IN obedience to the orders of the Honourable the Vice President in Council, I beg leave to submit to his Excellency the Most Noble the Governor General, Copy of specific Answers to the several Questions transmitted in your Letter of the 20th of October last.

I am, Sir,
Your most obedient servant,
Geo. Webb,
Acting Judge and Magistrate.

Zillah Shahabad,
11th December 1801.

1.—What is the number of causes now depending before you, before your Register, and before the native Commissioners?

Depending before the Judge - - - - - - -	242
Depending before the Register - - - - - -	177
Depending before the native Commissioners - - - -	387
Total - -	806

2.—What proportion does the number of causes now depending before the three tribunals of the Judge, the Register, and the native Commissioners, bear to the number of causes usually depending, during the several years commencing from the year 1793 to the present period?

The causes now depending before the three tribunals, bear an equal proportion to the number usually depending during the several years commencing with 1793.

3.—What number of causes was decided in the past year by you, by your Register, and by your native Commissioners?

Decided by the Judge, 103; decided by the Register, 104; decided by the native Commissioners, 11.

4.—What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the native Commissioners; and what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced?

I do not suppose that any causes must necessarily be depending before the Courts. The reason that any are depending is; First, That appeals are admitted without reason assigned; Secondly, That the time of the Judge is chiefly occupied in the executive duty of the Register, and in the office of Magistrate; the time of the Register, in the executive duties of his own Court, and in the office of assistant to the Magistrate; and the Commissioners are men who have to support themselves, and have no adequate inducement to exert themselves in judicial duties. Thirdly, As the duties of Magistrate are at present executed, he is a Judge rather than a Magistrate.

5.—Are you prepared to suggest the establishment of any rules, which (consistently with a due administration of the laws) would expedite the decision of suits? Are you of opinion that this object would be in any degree promoted by leaving it optional in the different tribunals to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing, or not, as the Judges may think proper?

I am prepared to suggest rules, which, consistently with the due administration of the laws, would expedite the decision of suits.

I am of opinion that neglecting to commit the depositions of witnesses to writing, would not promote the decision of suits, but would make them extremely intricate.

6.—Are you of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding rupees 200; what is the amount to which you would recommend the jurisdiction of the Courts of the Commissioners, and of the Registers should be extended; and to what degree would the general administration of justice, in the district subject to your jurisdiction, be expedited by the adoption of this arrangement?

I am of opinion that it would be advisable to extend the jurisdiction of the native Commissioners; they should be munsiffs, and take cognizance of all suits under 200 rupees, being allowed the fees now received by the Register for their trouble, which would draw men into the service of the Government of much higher rank and better education than will now accept the office.

I am of opinion that the judicial duties of the Register should be entirely done away. By the above arrangement, I am of opinion that no causes would be in arrear.

7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these

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Answers by the JUDGES.

Patna Division.

Zillah Shahabad, 11 December 1802.

these several charges attending the institution of lawsuits to be too considerable, or otherwise?

Litigation has not been checked. These charges are too considerable on causes under 500 rupees.

8.—Do the fees paid to the licensed vakeels on suits instituted or defended by them, constitute a sufficient inducement to men of character, and of proper qualifications, to undertake these situations? Are the vakeels attached to your Court persons of the abovementioned description; and are they in general well acquainted with the printed Regulations?

The fees paid to licensed vakeels, are sufficient to induce men of proper qualifications to undertake these situations, as far as emolument is the object, but the situation itself is not sufficiently respectable; it might be made so with considerable advantage.

The vakeels attached to this Court, are not persons of the above description; and are not in general well acquainted with the printed Regulations.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

The establishment of licensed vakeels has not contributed to expedite the decision of suits, by bringing more speedily and accurately before the Courts the merits of the suits instituted, in my opinion much the contrary.

10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity?

I have never had any complaint against them.

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

The principal inhabitants of this district are as well acquainted with the Mahomedan law, as individuals can be supposed to be informed of the laws of the country. The Shaster is scarcely known.

12.—Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

I am prepared to state such alterations in the forms established, as will much expedite the decision of suits, without endangering the administration of the laws.

13.—Have you, in your Court-room, any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court, or sitting in it?

I have no such places in my Court-room; no forms or ceremonies are observed in opening the Court or sitting in it.

14.—Are there any private schools or seminaries in the district under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are those institutions maintained?

There are none.

15.—What is your opinion regarding the general moral character of the inhabitants of your district? Has the moral character of the inhabitants in general been improved, or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

I have a very bad opinion of the moral character of the inhabitants of this district, their moral character does not appear to have been affected by the system established by the British Government.

16.—Are you of opinion that the inhabitants in general of the district under your jurisdiction, consider their private rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

In my opinion they do.

17.—Are you of opinion that the district under your jurisdiction, is in a state of improvement, or otherwise, with respect to its population, cultivation, and commerce, and its buildings or other works, for religious, domestic or other purposes; and on what grounds do you form your opinion?

The district is in a state of improvement, in every particular. I found my opinion on experience; I have no particular facts, the improvement is too notorious to require them.

18.—Are you of opinion that the inhabitants of the district subject to your jurisdiction, are in general satisfied with the British Government?

Undoubtedly.

19.—Is the present system of police well calculated to insure the apprehension of offenders?

By no means.

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Answers by the JUDGES.

Patna Division.

Zillah Shahabad, 11 December 1801.

20.—Are the police establishments, in the district subject to your jurisdiction, adequate to the duties required of them?

They are not.

21.—Are you of opinion that the number of crimes committed annually in the district under your jurisdiction, has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

They have not increased, I think they are diminished; because property is in general better secured.

22.—What crimes of enormity are most prevalent in the district under your authority; what is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

Murder and housebreaking are the crimes of enormity most prevalent in this district: the cause of the prevalence of murder is principally the delay of justice in the Dewanny Courts, occasioned by a loose undefined form of proceeding, and the power of appealing, in all cases, from the decision of the Judge.

The remedy is a clear, concise form, and making the decisions of the Judges, in boundary disputes, final. Housebreaking is an hereditary profession; the trade of a receiver of stolen goods, is carried on with as much regularity as any mercantile transaction, and with little danger of detection, because the police is exceedingly bad; the remedy is, a fund in the hands of the magistrate to reward dangerous service, or good information, at his own discretion.

23.—Do the inhabitants in general of the district subject to your jurisdiction, keep arms in their houses? What descriptions of arms do they retain, and for what purposes are the arms retained?

The inhabitants, in general, keep arms in their houses; matchlocks, spears and tulwars. They are kept for use in boundary disputes, and for personal protection in travelling.

24.—Are there any brick or mud forts in your district? In what state are the forts, and what is the nature of their construction?

There are no brick or mud forts in this district.

25.—What proportion do the Hindoo bear to the Mahomedan inhabitants in the district subject to your authority; and what do you suppose to be the number of the inhabitants of your district, of all descriptions?

I estimate the proportion of the Hindoo inhabitants, at ninety-eight in the hundred, and the number of inhabitants of all descriptions, at one million and a half.

26.—What are the names of the persons possessing the highest rank and the greatest opulence in the district subject to your jurisdiction? What number of followers, armed or otherwise, are they supposed to maintain in their service, and do they appear abroad with such followers?

Rajah Bickermajeet Sing is the only man of rank, and I believe he is opulent, though the natives are of a different opinion. He has no armed followers, except a few for parade, probably about 100.

27.—Are there any persons in the district subject to your authority, supposed to be disaffected to the British Government? What are their names, and to what means do you resort for superintending their conduct? Have these persons any influence in the district, and to what extent?

There are none.

28.—Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were the Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

I am decidedly of opinion, that it would greatly contribute to strengthen the attachment of the natives to the British Government in India, were the Government to declare itself to be the sole source of honour, and to confer titles, and other marks of distinction, on its native subjects. The neglect of this is the principal cause of the complaint of men of condition, that the lower ranks of society are grown insolent and troublesome; and that they are daily losing the respect which they consider as their right.

29.—What is the state of the roads, bridges and other public works, in the district under your authority, and at whose expense are they kept in repair?

The roads and bridges are in excellent order, and are kept in repair by the Collector. The expense is defrayed by a rate of 1 per cent. on the sudder jumma, fixed by Mr. Augustus Brooke at the decennial settlement.

30.—How are the convicts in the district usually employed; and is there any manner of employing them, which appears to you preferable to the manner in which they are at present employed?

The convicts are usually employed in digging. I know no manner of employing them which would be preferable.

31.—What is the state of the jail in your zillah?

The state of the jail is excessively bad. I may almost say, we have none.

32.—What

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Patna Division.

Zillah Shahabad, 11 December 1801.

32.—What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character in your zillah, commissions empowering them to act as Justices of the Peace? Do you think that such a measure would contribute to the suppression of crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons; would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

I am of opinion, that the measure proposed is undoubtedly inexpedient; far from facilitating the apprehension of offenders, and the suppression of crimes, the authority which must be given to the zemindars would give security to purchased concealment, increase the number of crimes, and be productive of the greatest confusion. The moral character of the natives of this description, is, to my understanding, an insuperable objection to such a measure; and no law can be good, which is to be administered under clauses of restriction, enforced by pains and penalties.

33.—Are there any rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

Crimes in this country are wonderfully few, compared to the number of inhabitants, and the mass of wealth. The few which do prevail would be easily prevented by a well planned system of police, carried into execution by officers possessing the confidence of Government.

34.—What has been the operation of the last regulation, respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes now levied on spirituous liquors, has rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

The regulations respecting the tax on spirituous liquors, have not operated to the suppression or increase of the vice of drunkenness.

35.—Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the district?

No measures occur to me. Government can only regulate the moral character of its native subjects, by using the advantage it has in the political establishment of castes, by supporting with its authority the privileges of each, till time shall have enabled it to regulate the higher orders, and use them as agents to instil principles of good faith and honesty into the mass of the people.

36.—In your opinion, what has been the effect of the regulation which declares persons convicted of the crime of perjury liable to be marked on the forehead?

In my opinion it has had no effect, nor is likely to have. Perjury is now so common, that it is no longer disgraceful. Transportation is the only effective remedy.

37.—What has been the operation of the punishment of transportation, introduced by the British Government?

The operation of this punishment has been admirable. If pursued and extended, the punishment of death might be struck off entirely.

38.—Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or with too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

The Mahomedan criminal law, with the alterations made by the British Government, has been certainly well administered; it is neither too lenient, nor too severe. The operation of the spirit in which the criminal law is, in my opinion, administered, has been to suppress crimes.

39.—What is the nature of the general conduct of the Europeans, not in the service of the Company, who reside within your jurisdiction?

The conduct of the Europeans, not in the service of the Company, who reside in this district, has been very correct.

40.—What is the general condition of the weavers and other manufacturers in your jurisdiction? Are the existing laws and regulations well calculated for ensuring justice to the weavers and manufacturers in their dealings with the officers of the Company, and with private European merchants; and also for enabling the officers of the Company, and the individual European merchants, to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods?

The general condition of the weavers and other manufacturers, is thriving. The laws and regulations are well adapted to their purposes.

Zillah Shahabad, the 11th December 1801.

(L.S.) *George Webb*, Acting Judge and Magistrate.

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Answers by the JUDGES.

Patna Division.

Zillah Ramghar, 21 December 1801.

To N. B. EDMONSTONE, Esq. Secretary to Government.

SIR,

IN conformity to the directions contained in Mr. Secretary Dowdeswell's circular letter, under date the 5th instant, I have the honour to enclose you my specific Replies to the Interrogatories that accompanied your letter, some under date the 20th October last, for the information of his Excellency the Most Noble the Governor General, which I had the honour to submit to the Honourable the Vice President in Council, on the 11th of last month.

I have the honour to be, Sir,
Your most obedient and humble servant,

W. T. Smith,
Judge & Magte.

Zillah Ramghar,
December the 21st 1801.

1.—What is the number of causes now depending before you, before your Register, and before the native Commissioners?

Answer.—The number of causes depending before me, before the Register, and native Commissioners, are as follows: before the Judge, 27; before the Register, 49; before the native Commissioners, 339.

2.—What proportion does the number of causes now depending before the three tribunals of the Judge, the Register, and the native Commissioners, bear to the number of causes usually depending during the several years commencing from the year 1703 to the present period?

The causes depending in this Court, commencing from the year 1793, and including those cognizable both by the Judge and Register, exceed in number the causes instituted in the intermediate years up to the present period, in the proportion of 9 to 1, a difference that will not, I conceive, create much surprise, when it is understood that in October 1799 the pergunnahs Baughmundy, Bagungadah, Bulleapore, Cutrass, Hislah, Jelda, Jereah, Japoor, Mucumpoor, Nowaghur, Chuclah, Pacheate, Patcoom, Toorany and Toonder, were separated from their jurisdiction, and annexed to the jurisdiction of Beerbhoom.

3.—What number of causes was decided in the past year by you, by your Register, and by your native Commissioners?

The number of causes decided by me, by the Register, and by the native Commissioners, in the past year, were as follows: by the Judge, 27; by the Register, 78; by the native Commissioners, 2,037. I beg leave to observe, I only took charge of my office on the 5th of January last.

4.—What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the native Commissioners; and what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced?

In consequence of the late annexation of six pergunnahs from the district of Behar to this jurisdiction, I should suppose that the necessary causes depending before this Court will amount as follows: before the Judge, 150; before the Register, 400; before the native Commissioners, 3,500. The delay in the decision of causes in this jurisdiction I imagine to be principally occasioned from the difficulty of obtaining the necessary witnessess, occasioned by the mountainous and unfavourable nature of the country.

5.—Are you prepared to suggest the establishment of any rules, which (consistently with a due administration of the laws) would expedite the decision of suits? Are you of opinion that this object would be in any degree promoted by leaving it optional in the different tribunals to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing, or not, as the Judges might think proper?

In reply to this question, I beg leave to mention a circumstance that certainly tends, in my opinion, to retard the decision of suits. Much of the time of the Court is taken up in summoning the witnesses of the plaintiff; and it is not unfrequently found that the assertion of the plaintiff, with respect to the place of residence of his witnesses, is unfounded, and invented to gain time and protract the investigation of the suit. Much of the Judge's time is wasted by this means, and the defendant is taken from the occupation of his profession or business, and put to a very heavy and unnecessary expense. I certainly think that the delay and inconvenience attending this practice might be obviated, by not allowing the plaintiff to have recourse to the name of a second place, after failing in obtaining his witnesses from the place mentioned by him in the first instance, unless he can afford very satisfactory proof to the Court of such witnesses having removed from the place first mentioned by him, either from sickness, or otherwise. I do not conceive that any good could arise from not committing the depositions of witnesses to writing, but rather think it would create some confusion in the investigation of suits.

6.—Are

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Answers by the JUDGES.

Patna Division.

Zillah Ramghar, 21 December 1804.

6.—Are you of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding R^s 200.? What is the amount to which you would recommend the jurisdiction of the Courts of the Commissioners and of the Registers should be extended; and to what degree would the general administration of justice, in the district subject to your jurisdiction, be expedited by the adoption of this arrangement?

On the first of this month, I received intimation from the Court of Appeal for the division of Patna, of the annexation of six pergunnahs in the Behar district to this jurisdiction, and, if I may credit the general report of the country (for I have not received charge from the Judge of Behar of these six pergunnahs) there are very heavy arrears of causes undecided in these pergunnahs, of many years standing. To obviate the evil tendency of an heavy institution of new suits, ere a proper attention and investigation can be bestowed on the old, which must, I conceive, constantly keep up arrears of causes undecided, and to carry into effect the remedy for which the above-mentioned annexation of jurisdiction was, I conceive, proposed, it is certainly my opinion that it would be more for the interest and happiness of the inhabitants in general, as also greatly expedite the decision of suits, by extending the jurisdiction of the Register and native Commissioners, even to the authority of deciding causes to double the amount they do at present; but which extension of judicial authority may be considered as temporary, until the heavy arrears of causes undecided in the six pergunnahs aforementioned are entirely cleared.

7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of lawsuits to be too considerable or otherwise?

I can without hesitation say that litigation has been considerably checked by the establishment of the fees paid to the vakeels, by the fees paid on exhibits in the Court of Judicature, and of the stamp duties. I do not consider the charges attending the institution of lawsuits to be too considerable.

8.—Do the fees paid to the licensed vakeels, on suits instituted or defended by them, constitute a sufficient inducement to men of character and of proper qualifications to undertake those situations? Are the vakeels attached to your Court persons of the above-mentioned description; and are they, in general, well acquainted with the printed Regulations?

I conceive the fees paid to the licensed vakeels, on suits instituted or defended by them, to constitute a sufficient inducement to men of character and of proper qualifications to undertake those situations. The most of the vakeels of this Court are persons of the above-mentioned description, and are in general acquainted with the printed Regulations.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

I have every reason to believe that the establishment of licensed vakeels contributes to expedite the decision of suits.

10.—Do the vakeels in general discharge their duty to their clients with honour and fidelity.

I am of opinion that the vakeels in general do discharge their duty to their clients with fidelity.

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

Such is the uncivilized state of this district, that the natives cannot be expected to be so conversant in the laws of their country as individuals are generally supposed to be, in other parts of the Honourable Company's territories.

12.—Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

I am not prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of suits.

13.—Have you, in your Court-room, any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court, or sitting in it?

The house at Chittia, now occupied by me, has lately been appropriated by Government to a public Cutcherry. I hold my Court in a large upper room, in which there is a bench for the Judge, and proper departments for the respective officers attached to the Court, as well as for the parties. I adhere to those forms and ceremonies, on opening my Court, as are laid down for my guidance by the regulations of Government.

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Answers by the JUDGES.

Patna Division.

Zillah Ramghar, 21 December 1801.

14.—Are there any private schools or seminaries in the district under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are those institutions maintained?

There are no private schools or seminaries in this district, of a nature calculated to teach the Mahomedan and Hindoo laws. The education of the youth in this district does not extend beyond that of learning to read and accounts.

15.—What is your opinion regarding the general moral character of the inhabitants of your district? Has the moral character of the inhabitants in general been improved, or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

Little morality of character can be expected from a people inhabiting so wild and uncivilized a country as this; but I have every reason to hope, that it may yet be improved by the system established by the British Government for the administration of the laws.

16.—Are you of opinion that the inhabitants in general of the district under your jurisdiction consider their private rights and property to be secured by the present constitution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

Some of the inhabitants of this jurisdiction, who have enjoyed the benefits of a common education, may probably consider their private rights and property sufficiently secured by the present constitution of the country, against infringement; but I am sorry to say, that by far the greatest number of the inhabitants of this jurisdiction are lost, by unlettered ignorance, to the comprehension of the political constitution of any country.

17.—Are you of opinion that the district under your jurisdiction is in a state of improvement, or otherwise, with respect to its population, cultivation and commerce, and its buildings, or other works, for religious, domestic, or other purposes; and on what grounds do you form your opinion?

I cannot say, that I think the population of this jurisdiction is in a state of increase, if I may be allowed to draw this conclusion from the general complexion of the country, which does not exhibit any increase in its number of villages. The commerce of this district is very trifling, and merely confined to such exchanges of commodities as are required for immediate domestic consumption. The principal article of trade of any consequence exported from this district is iron; and which, if there were any navigable rivers in this district, might, I presume, be turned to an inestimable advantage by Government.

The cultivation of this district is evidently in a state of improvement; and I have lately observed the introduction of grain, particularly barley, not known before to the inhabitants of the hills. Of buildings there are very few in this district, and none for the purposes of religion.

18.—Are you of opinion that the inhabitants of the district subject to your jurisdiction are in general satisfied with the British Government?

So far as the inhabitants of this jurisdiction are capable of understanding the system of the British Government in India, I believe them to be in general satisfied with it.

19.—Is the present system of police well calculated to insure the apprehension of offenders?

The establishment of police in this district differs in its system from that introduced in other parts of the Honourable Company's territories, excepting the police district of Midnapore. As the natural state of the country, and peculiar habits and dispositions of the inhabitants, were consulted in framing it, I should not think it advisable to make any alteration in the system; but I think one or two amendments might be proposed, to render it more effective than it is at present. I presume it is already known to the Most Noble the Governor General in Council, that the police in this jurisdiction is maintained by the zemindars and ghautwars, who have been invariably considered accountable for the preservation of the peace and good order of their separate mehals, as well as responsible for all thefts and robberies committed within their respective zemindarries. The ghautwars and digwars are a description of people entertained by the several zemindars as police officers; but they look upon themselves as under the entire dominion of their respective masters, without paying that due consideration and respect to the Magistrate, which, of itself, has not only a bad tendency, but often impedes the channel of information, and leaves it in the power of the zemindars to conceal many offences committed, from motives of private interest, partiality, or ill bestowed attachment. To obviate this defect, or what appears defective to me, I most humbly presume to suggest to his Excellency the Most Noble the Governor General in Council, the enforcement of the accompanying rule. It was framed by the Magistrate of Midnapore, in an arrangement proposed by that gentleman for the more efficient police in his jurisdiction, on the 9th of April 1800, and is as follows:

That the pikes, and all persons employed as police officers, shall be subject to the orders of the Magistrate, punishable by him for misconduct, either by removing them from office, depriving them of their lands or otherwise, according to the nature of the offence.

There has never been any police established in pergunnah Palamow; and the natives having lately shewn themselves much disaffected to the interest of the Rajah of that pergunnah, I beg leave to suggest to the Most Noble the Governor General in Council, the expediency of empowering me to direct the Rajah of that pergunnah to establish a police

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for the peace and preservation of his country, upon a plan similar to that observed by the rest of the zemindars in this jurisdiction.

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20.—Are the police establishments in the district subject to your jurisdiction adequate to the duties required of them?

If the general tranquillity of this district is expected to be maintained by the police establishment, I do not hesitate in saying it is not adequate to the duties required of it; nor do I believe the establishment of any police could possibly be; for such is the refractory disposition of the natives, and the frequent and large assemblage of banditti, that the military operations of troops are frequently found insufficient to the apprehension or dispersion of them, from the facility with which they can always retire to the mountains inaccessible to troops, from their ignorance of the bye-path ways and ghauts; besides, the insalubrity of the season renders the active operation of troops impracticable, but in particular periods of the year.

21.—Are you of opinion that the number of crimes committed annually in the district under your jurisdiction has increased, or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

I am of opinion that crimes, particularly murder, have increased in this jurisdiction since the year 1793, and may, in some measure, be ascribed to the devastations committed within these two or three last years by Amerit Sing, Gopaul Mange, and Droop Sing, three refractory jagheerdars in this district. The former is now in the Fouzdarry jail of this zillah, sentenced to 12 years imprisonment; the second was transported on the 17th of March last; and the third has not yet been apprehended.

22.—What crimes of enormity are most prevalent in the district under your authority? What is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

Theft is common in this jurisdiction, but murder more prevalent amongst a class of people whose unhappy predicament must frequently call forth the pity and humane consideration of Government. These men are composed of slaves in possession of various descriptions of people, inhabiting the mountainous and almost inaccessible interior of this jurisdiction, and possessing dispositions more savage and ferocious than the miserable slaves they command. On instances of petty disputes, which so frequently occur in the interior of the hills, these slaves are employed by their masters as the perpetrators of every atrocious enormity, and are particularly made use of for the purposes of assassination. Any resistance shewn by the slave, or delay in complying with his master's orders, is attended with immediate death, as would any failure in the execution of the orders he receives; and the unhappy wretch is driven to the sad alternative of either shedding the innocent blood of a fellow creature, or of being murdered himself. If the slave refuses to comply with his master's orders, he is murdered; if he fails in the execution of his master's orders, he is murdered; and if he succeeds in executing his master's orders, and he is apprehended by the officers of justice, his life is legally forfeited to Government, and he is sentenced and hung as a murderer. It will naturally be required of me to explain why the original instigators of murders committed in this shocking manner are not seized and brought to immediate punishment; it is true they sometimes are, but it is not unfrequently found incompatible with the general peace and tranquillity of the country, even to attempt to seize a principal offender labouring under the above-mentioned implication. The whole of the peons of this Court are not adequate to the seizure of any single zemindar possessing the least property or interest in the country; he assembles his followers, and treats both the mission of the peons and the orders of the Court with equal disrespect and contempt. If, on the other hand, I have recourse to military force, the offender soon gains knowledge of the intention of their approach, and retires with his family and followers to the impenetrable jungles. The natives, not capable of deciding right from wrong, take up arms in his defence; the country is thrown into a state of rebellion, and the innocent suffer for the guilty; and the troops, after using every ineffectual exertion to execute the orders of the Magistrate, return to their station harassed, wasted, and worn out by sickness. I beg leave to instance a very recent proof of the shocking practice above cited. A criminal, named Nehall, was committed by me on the 10th of January last, who acknowledged having committed the murder with which he stood accused, at the instigation of his master, Urgin Sing Tackoor. He really made this confession to me with a smile of self-approbation, impressed, as I suppose, with the idea of having done his duty. His trial came on before the Court of Circuit for the division of Patna, in the month of April last, and is postponed until the ensuing Sessions. I have received the most urgent directions from that Court, to use every means in my power to apprehend Urgin Sing Tackoor, and I have twice issued perwannahs from this Court for that purpose, without any effect; and I am confident of the impracticability of seizing this offender, without adopting such violent measures as would throw the country into a state of bloodshed and confusion. Urgin Sing Tackoor is a jagheerdar possessing considerable land and property in pergunnah Burrinda.

Though I do not conceive it would be possible for Government entirely to check the prevalence of so horrid a practice, I am nevertheless of an opinion, that it might be in a great measure prevented, by appointing men of respectable characters to reside in the respective pergunnahs where these enormities principally prevail, in the capacity of police darogas, and to empower them with the entire management of the police officers maintained by the different zemindars and jagheerdars, and to be considered as officers solely acting on the

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part of Government. By this means I might obtain the earliest information of crimes committed, and, by a well regulated correspondence with the darogah, be able to seize an offender before the inhabitants could gain knowledge of my intentions. This plan would also, in my opinion, tend to the general establishment of the peace of the district, and enable the Magistrate to conduct the duties of his office with much greater effect. Should his Excellency the Most Noble the Governor General in Council be pleased to authorize me to adopt this arrangement, the expense to Government would be very trifling, compared, in my humble opinion, to the great good that would result from it to the country in general.

I ascribe all the crimes, devastations, and disturbances, which have so long agitated this country, for which this district has been so long and so eminently famous, or rather infamous, and which annually occasions Government the loss of some of their finest troops, from the insalubrity of the climate, to the want of respectable men, resident on the part of Government in the interior of the jurisdiction, on whose information the Magistrate can depend, and on whom he can rely for the execution of his orders.

An objection, however, arises to the accomplishment of this plan, but which I hope, if I am permitted to try it, may not be found insurmountable: the difficulty of obtaining respectable men to accept offices of the above nature, for they must be sought for from amongst the inhabitants below the Ghauts, who have unfortunately an unconquerable aversion to the hills, from the generally received opinion of the insalubrity of the climate, as well as from their dislike to the barbarous habits and customs of the natives. To select natives from the hills for the above-mentioned offices, would, I conceive, only aggravate the evil for which I have proposed this plan, as a remedy from that congenial spirit of barbarism subsisting amongst the natives, almost without a single exception, as well as from their propensity to intrigue, corruption, falsehood and dishonesty.

23.—Do the inhabitants in general of the district subject to your jurisdiction keep arms in their houses; what description of arms do they retain, and for what purposes are the arms retained?

Most of the inhabitants in this district, that can afford it, keep arms in their houses, such as spears, swords, bows and arrows, and a weapon called bulluh, which answers in description to the ancient battle-axe of Great Britain. The natives retain these weapons in their houses for the security of their lives against decoits, and the not less ferocious animals of the woods and mountains; such as tigers, wolves, bears, wymas, &c. &c. of which there are a great abundance in this district.

24.—Are there any brick or mud forts in your district; in what state are the forts, and what is the nature of their construction?

There are eight or nine forts in this district, of the following description:—One fort, built of stone, in pergunnah Palamore, the property of Rajah Churamun Rai, but not in repair; one strong stone fort, in pergunnah Bulhaghur, the property of Takoor Derhaut Sahi; one strong brick fort, in pergunnah Candel, the property of Judgerage Sing Jagheerdar; one fort of brick and one of mud, both being much out of repair, the property of Rajah Moneynaut Sing, in pergunnah Ramghur; one fort, built of brick and mud, in pergunnah Nagpore.

It is my opinion, that the total destruction of these old forts would be of service to the country, without putting the proprietors to any inconvenience, as they are mostly uninhabited, and only serve for the reception of banditti, and afford occasional protection to the refractory zemindars, whenever they resist the orders of Government.

25.—What proportion do the Hindoo bear to the Mahomedan inhabitants in the district subject to your authority; and what do you suppose to be the number of the inhabitants of your district, of all descriptions?

The proportion of Hindoos to the Mahomedans is very considerable in this district; insomuch, that, by my calculation, there are 30 Hindoos to one Mahomedan. I suppose the number of inhabitants in this district to amount to about 500,000 souls.

26.—What are the names of the persons possessing the highest rank and the greatest opulence in the district subject to your jurisdiction; what number of followers armed, or otherwise, are they supposed to maintain in their service; and do they appear abroad with such followers armed?

Rajah Deonaut Sahi, inhabitant and proprietor of the pergunnah of Nagpore, possesses the greatest opulence and highest rank in this district. The right of the independent power, assumed by this Rajah, has never been finally determined upon by Government; he is regarded, however, by the natives as a tributary, and consequently has a right to possess the independent administration of justice within the limits of his own territory. Complaints are however frequently made by the inhabitants of Nagpore to this Court, but it is found difficult to afford the complainants any redress, from the power the Rajah possesses; he maintains about 200 armed men about his person, and could, I suppose, in cases of emergency, be able to collect a body of men to the amount of two or three thousand.

Rajah Moneynaut Sing, of Ramghur, and Rajah Churamun Roy, of pergunnah Palamore, are the next opulent persons in this district; they entertain about 100 men each about their persons.

Tackoor Dergenout Sahi, and Duran Sahu, inhabitants of Burakaghur, in pergunnah Nagpore, and Rajah Drigbeja Sahie, inhabitant of pergunnah Toree in pergunnah Nagpore, maintain about 100 men each about their persons, and they are three of the most refractory and disaffected zemindars in this jurisdiction.

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27.—Are there any persons in the district subject to your authority, supposed to be disaffected to the British Government; what are their names, and to what means do you resort for superintending their conduct? Have these persons any influence in the district, and to what extent?

The three zemindars already specified in my reply to the Question 26, I conceive to be the most disaffected and refractory persons in this district; they not only invariably resist the orders of the Court, but frequently maltreat the peons deputed into their country on offices of justice; and as they are jagheerdars, subject to the independent territory of Nagpore, I cannot adopt such measures as are likely to afford the least prospect of impressing them with a proper sense of the duty and respect they owe to the British Government.

28.—Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

The uncivilized nature of the principal inhabitants of this jurisdiction is such, that I am apprehensive it would be impossible to impress them either with a sense of favour or dignity, by conferring on them titles of distinction.

29.—What is the state of the roads, bridges, and other public works, in the district under your authority; and at whose expense are they kept in repair?

There are two roads in this district, the great military road extending through this jurisdiction, from Assun Soor to Barroon on the banks of the river Soan, 246 miles; it hath hitherto been kept in repair at the expense of Government, but has not yet undergone its annual reparations, and is in a bad state. The other public road runs from Shergattey and joins the great military road at Konnah Chitty; it is kept in repair at the expense of Government by the Collector of Behar, but has not yet undergone its annual reparations, and is consequently in bad condition. There are bridges in the great military road, to the amount I suppose of thirty or forty, all of them out of repair, and the most of them entirely swept away by the late heavy inundations.

30.—How are the convicts in the district usually employed; and is there any manner of employing them, which appears to you preferable to the manner in which they are at present employed?

It has never been considered safe to work the convicts in this jurisdiction, beyond the precincts of the town of Chittra, in consequence of the thick and impenetrable jungles that surround it. The convicts are generally employed in clearing the town of filth, and such other trifling occupations on which they can be employed, with safety.

31.—What is the state of the jail in your zillah?

The jail of this zillah has lately been enlarged by permission of Government. I perceive, however, that the late heavy rains have very much weakened and destroyed the southern wall. I have had it secured for the present, but intend shortly doing myself the honour of addressing his Excellency the Most Noble the Governor General in Council on the expediency of having it rebuilt.

32.—What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character in your zillah, commissions empowering them to act as Justices of the Police? Do you think that such a measure would contribute to the suppression of crimes, and facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons, would you confine it to the estates or farms of the persons to whom the commissions might be granted?

Two great objections may naturally suggest themselves with respect to the propriety of delegating such a power in the hands of the natives of this jurisdiction. The first and most essential one is, their extreme ignorance, which might not leave them capacity sufficient to comprehend the honour and extent of the power conferred on them. The next is, their cruel and barbarous nature, which might operate in inducing them to abuse an authority of this nature, to the misery and oppression of the people. I conceive that the power of any law, though eminently calculated to support the tranquillity, privileges, and happiness of a people, in the hands of a person that does not know how to use it, is, if I may be allowed the simile, like the lancet in the hands of an unskilful surgeon, who kills more than he cures; and I am really apprehensive, that the natives of this jurisdiction would subvert the intention of such commission, and turn it into a general evil instead of a general good. In the six pergunnahs to the westward, lately annexed to this jurisdiction, I understand there are three or four zemindars very capable of doing credit to commissions of this tendency; but these pergunnahs have been so recently annexed to this district, that my local knowledge cannot be supposed to extend to any accurate idea of their internal constitution, sufficiently so as to enable me to include them in the general information required by these questions.

33.—Are there any new rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

I cannot recommend any new rules or regulations calculated for the suppression of crimes in this district, in addition to those already suggested in my reply to Question 22.

34.—What has been the operation of the last regulation respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion that the establishment of the taxes now levied on spirituous liquors have rendered

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the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

I have not a doubt but that the operation of the last regulation respecting the tax on spirituous liquors, has, in a great measure, prevented the vice of drunkenness, and that vice is less prevalent than it was before this tax was levied.

I am, however, of an opinion, that the full enforcement of this tax, so far as it immediately relates to this district, operates as a hardship on the poorer sort of natives. The fruit of the mouhur tree, which grows spontaneously, and in great abundance all over this district, and which providential nature appears to have reared amidst the most rocky and barren parts of the mountains as some kind of recompence for the general sterility of the soil, the fruit of which not only yields a kind of substitute for grain, of which this district produces very little, and of which little the poorer sort of inhabitants have not the means of partaking; but when pulverized it keeps fresh the whole of the season, and answers as a preservative against scarcity, and the failure of the crops. It is true, that when considered merely as an article of food, it is not liable to the tax; but the natives principally use it by infusing it into a kind of tea, which affords a nourishing and healthy beverage, but by doing which they are liable to the penalty attached to the unlicensed manufacturers of spirituous liquors. The hardship with which this circumstance operates on the poorer sort of inhabitants of this district, I have witnessed in many instances; for the penalty annexed to any quantity of this fruit found boiling in the house of a native for his domestic use (and which excuse they all invariably alledge) is so disproportionate to their means, that out of twenty men committed by me as unlicensed manufacturers of spirituous liquors within these three months, in conformity to the rules laid down by the Regulation, only six have been able to pay the penalty.

35.—Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants?

As yet time has made no visible progress in the improvement of the moral character of the natives of this district, though it has been under the authority of the Honourable Company one-and-thirty years. It is, however, impossible to say, what time may do, when a regular perseverance is pursued by Government in attempting to make men sensible of their errors and defects; but I trust it will be admitted, that it must require a long period to impress a people with the sentiments of morality, who are yet obscured in the dark abyss of barbarism, prejudice, and ignorance.

36.—In your opinion, what has been the effect of the regulation which declares persons convicted of the crime of perjury liable to be marked on the forehead?

Perjury is hardly considered a crime in this district, and the only utility attending the practice of marking a person on the forehead so sentenced, is, the future knowledge it affords the Judge and Magistrate of the criminal.

37.—What has been the operation of the punishment of transportation, introduced by the British Government?

The operation of the punishment of transportation has, I conceive, the best effect in this district, for the natives are so much attached to their country, that they hold the sentence of transportation in greater terror than death itself.

38.—Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or with too much severity; and what do you suppose to be the consequences produced by the spirit in which the criminal law is, in your opinion, administered?

I am not of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered either with too much lenity or severity; and I believe the natives in general to be satisfied with the spirit in which the criminal law is administered.

39.—What is the nature of the general conduct of the Europeans, not in the service of the Company, who reside within your jurisdiction?

There are no Europeans of this description residing in this jurisdiction.

40.—What is the general condition of the weavers and other manufacturers in your jurisdiction? Are the existing laws and regulations well calculated for insuring justice to the weavers and manufacturers in their dealings with the officers of the Company, and with private European merchants; and also for enabling the officers of the Company, and the individual European merchant, to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods.

There are no weavers or other manufacturers residing in this jurisdiction.

(A true Copy.)
(Signed) *Wm T. Smith,*
Judge and Magt.
Zillah Ranghur.

Dated the 11th of Nov. 1801.

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Zillah Tirhoot, 22 December 1801.

To N. B. EDMONSTONE, Esq.

Secretary to Government in the Secret, Political, and Foreign Department.

SIR,

I HAVE the honour to acknowledge the receipt of your Letter of the 20th of last October, enclosing a paper of Questions. My replies to which, in obedience to the orders contained in your letter, have been forwarded to the Honourable the Vice President in Council; and in conformity to subsequent orders received from the Honourable the Vice President in Council, under date the 3d instant, I have now the pleasure to forward copies of my Replies to the Questions above quoted, which I request you will lay before his Excellency the Most Noble the Governor General.

I have the honour to be, Sir,

Your most obedient humble servant,

Geo. Matthews,
Judge & Mag.

Tirhoot,
22d Dec. 1801.

REPLIES from the Judge and Magistrate of Zillah *Tirhoot* to Interrogatories transmitted by Mr. Secretary Edmonstone, the 20th of last October, by order of his Excellency the Most Noble the Governor General, regarding the internal state of the country.

1.—What is the number of causes now depending before you, your Register, and before the native Commissioners?

The number of causes now depending before the Judge - - - - amount to - 1,910
Register - - - - - - - - - 396
Native Commissioners - - - - 3,253
Total - - - 5,559

2.—What proportion do the number of causes now depending before the three tribunals of the Judge, the Register, and native Commissioners, bear to the number of causes usually depending, during the several years commencing from the year 1793 to the present period.

The number of causes depending before the three tribunals was,

At the end of	Before the Judge.	Before the Register.	Native Commissioners	TOTAL.
1793 - - -	837	855	No Commissioners appointed in these years.	1,692
1794 - - -	1,155	1,096		2,251
1795 - - -	481	1,061	498	2,040
1796 - - -	655	983	1,269	2,907
1797 - - -	986	1,416	6,400	8,802
1798 - - -	1,161	495	2,225	3,881
1799 - - -	1,334	408	2,245	3,987
1800 - - -	1,534	354	4,249	6,137
1801 - - -	1,910	396	3,253	5,559
	10,053	7,064	20,139	37,256
The average for which, for the nine preceding years is - - -	1,117	784	2,237	4,139

And which would appear to be the proportion required in this question.

3.—What number of causes was decided by you in the past year, by your Register, and by your native Commissioners?

The number of causes decided in the past year was, by the Judge - - - - - 373
Register - - - - 294
Commissioners - 17,428
Total - - 18,095

4.—What number of causes do you suppose must necessarily be depending before your Court, and that of your Register, and before the native Commissioners; and what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced?

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The number of causes which I should suppose must necessarily be depending before the three tribunals, I should state that the average of causes depending since 1793. But it would appear from the number of causes now depending, as stated in my answer to the 1st Question, that it exceeds that number, and which is owing to the increased number of suits filed within these last three years; and the cause of this increase is easily accounted for, particularly in suits depending before the Judge and Register. The generality of the suits in this district are for real property. There is scarcely an estate in this district which is not a joint undivided one, belonging to many sharers. At the formation of the decennial settlement it would appear, that the then Collector, instead of taking engagements under the signatures of the whole of the proprietors, and making over the management of the estate to one of the proprietors as "Serberaker," as ordered in the 23d section of Regulation 8, 1793, took an engagement from the proprietor, who had been in the habit of managing the estate, and was termed the "Sudder Puttydar." In some instances, after his signature were added the words "and others," but no names specified. The Sudder Puttydar, or person in management of the estate, allowed his sharers some small part of the profits, and perhaps allowed them to reap the sole benefit of the lands they themselves cultivated. And this for a time they were contented with; but since Government have declared the decennial settlement permanent, and the profits in the estates have consequently increased very considerably, the different sharers have naturally wished to enjoy their full right and due; but as brotherly love or attachment form no part of the character of the natives of this country, the person in charge not only cheats the joint proprietors out of their just shares, but frequently denies their right to any part of the estate. He is aware, that by being in possession he cannot be ousted till a regular suit is filed against him in the Civil Court; and on a joint proprietor's requiring his share to be divided off, they now fail to avail themselves of the 5th section of Regulation 25, 1793; and this has been the chief cause for the increase that has taken place in the number of civil suits for these three or four years. A number of suits have also of late been instituted on account of disputed boundaries, which have also increased very considerably since the proclamation of Government respecting the permanency of this decennial settlement. This district is very extensive, and the waste land immense; and as they have not been in a state of cultivation for a great lapse of years, the boundaries of the different estates, particularly to the north and north-east, in Sircar Tirhoot, are not known; and as the zemindars are bringing into cultivation every foot of land they can find ryots for, the disputes in consequence are not only very frequent, but attended with very serious consequences. These disputes are certainly much to be lamented, particularly when they are attended with any serious consequences; but it must be a pleasing reflection to Government to observe, how much the value of landed property, and indeed property of all kinds, has been enhanced by the wise and humane laws which have been enacted by them for the internal administration of the country.

These disputes will of course be nearly settled in four or five years; and, as I have observed before, that the generality of civil causes in this district are for real property, the Judge and Register will be then enabled to decide all suits that are filed in the course of the year, and prevent any accumulation on the file. The causes decided by the Commissioners are almost invariably for revenue; but as the ryots will in time find it to their interest and advantage to pay up their kists regularly, instead of subjecting themselves to additional costs and trouble, the duties at present performed by the Commissioners, will, I imagine, in time be greatly, if not entirely done away.

5.—Are you prepared to suggest the establishment of any rules, which (consistently with a due administration of the laws) would expedite the decision of suits; are you of opinion that this object would be in any degree promoted by leaving it optional in the different tribunals to commit the depositions of witnesses, in causes not appealable to a higher tribunal, to writing, or not, as the Judges might think proper?

I am of opinion that there are many objections to not committing to writing the depositions of witnesses, but as the parties in suits are in the habit of bringing forward a number of unnecessary witnesses, I think the decision of causes might be greatly expedited by allowing of the depositions of only four witnesses in causes relating to real property, and of two in causes relating to personal property, to be written on plain paper; and that the depositions of all other witnesses which the parties might be desirous of adducing, be written on stamp paper, according to the value of the suit.

6.—Are you of opinion that it would be advisable to extend the jurisdiction of the native Commissioners to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding R^{s} 200. What is the amount you would recommend the jurisdiction of the Courts of the Commissioners and of the Registers should extend to; to what degree would the general administration of justice, in the district subject to your jurisdiction, be expedited by the adoption of this arrangement?

I beg leave to recommend that the Judge be authorized to refer to his Register all suits for real or personal property, not exceeding in value, 500 rupees; that an appeal lie, as at present, from all decisions passed by the Register to the Judge, whose decision shall be final in all suits for personal property; that in suits for real property, the decision passed by the Judge be also final, if it confirms the decree passed by the Register; but in the event of the Register's decree being reversed by the Judge, that an appeal do lie to the Provincial Court. With respect to the native Commissioners, I am not of opinion that it would be advisable to extend their jurisdiction to suits exceeding 50 rupees, but I think the administration

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stration of justice in the district would be expedited by appointing two Munsiffs, who should hold their Court in a room attached to the Court-house, and that suits for personal property, not exceeding 200 rupees, should be referred to them, and that an appeal should lie from their decisions to the Judge, whose decrees shall be final. The Munsiffs either to receive a salary not exceeding 100 rupees per mensem, or be allowed to draw fees to the same amount as the Registers are at present authorized to take. In the event of their receiving a salary, I would recommend the fees to be levied, but brought to the credit of Government.

7.—Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of law suits to be too considerable, or otherwise?

Litigation has undoubtedly been greatly checked by the institution of fees and stamp duties, and I by no means consider the charges attending the institution of law suits, to be too considerable, though at the same time I do not think it necessary to increase them.

8.—Do the fees paid to the licensed vakeels on suits instituted or defended by them, constitute a sufficient inducement to men of character and of proper qualifications to undertake those situations? Are the vakeels attached to your Court persons of the abovementioned description; and are they in general well acquainted with the printed Regulations?

From the number of applications I have had from men of good character to get them appointed vakeels of the Court, I am of opinion that the fees receivable by them is considered as a sufficient inducement for them to undertake those situations. The vakeels at present attached to the Court are men of good character, and are in general well acquainted with the Regulations.

9.—Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court the merits of the suits instituted?

I am not of opinion that the establishment of licensed vakeels has contributed to expedite the decision of suits, as generally parties who have causes before the Court employ, independent of vakeels, a moktarkar, or confidential agent, to whom alone they entrust all papers and deeds relating to their family estates, &c.; and being generally a dependent or old servant, well acquainted with their family concerns, attend at the Court-house when the suits are brought on, to instruct the pleaders; and the vakeels frequently plead as an excuse for not proceeding in their suits, either not having received sufficient instructions or particular documents from their clients, and this frequently causes very great delay.

10.—Do the vakeels in general discharge their duty to their clients with fidelity and honour?

No charge having ever been preferred to me by a client against any of the vakeels, I naturally conclude that they discharge their duty with honour and fidelity.

11.—Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

Some few of the principal inhabitants are, I think, well acquainted with the Regulations; but, generally speaking, I believe them to be quite ignorant of the regulations and laws of the country.

12.—Are you prepared to state any alterations in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endagering the due administration of the laws?

I am not prepared to state any alterations in the present forms for the trial of civil suits, that would contribute to expedite their decision; but I would recommend that the Zillah Judges be authorized to enforce all decrees which are affirmed on appeal by the Provincial Court, notwithstanding the cause may be appealed to the Sudder; but in the latter case to take security from the party in whose favour the decree is enforced, to make it good, with all costs, in case the two former decrees are reversed by the Sudder Dewanny Adawlut. I would also recommend, in enforcing decrees, that the Judges be authorized to order the Collector to attach and sell lands in liquidation of decrees, without any reference from the Court to the Board of Revenue, which is at present the case, and frequently causes very great delay.

13.—Have you in your Court-room any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court, or sitting in it?

I have lately erected at this station a brick Court-room, which is rented to Government for the unexpired term of the Company's lease. The Court-room is very spacious, and a large space is railed off for the bench of the Judge and the public officers: there are also places railed off for the parties or their vakeels, and for the witnesses; the whole of which is raised three feet from the floor, and sufficient room is left for all persons who attend at the Court. The Court is opened by the Nazir's proclaiming silence three times in an audible voice; and when it is closed for the Dessorah or Mohureum festivals, it is also done by proclamation.

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Answers by the JUDGES.

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Zillah Tirhoot, 22 December 1801.

14.—Are there any private schools or seminaries in the district under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are these institutions maintained?

I do not believe there are any schools or seminaries in this district, where the Mahomedan or Hindoo law is taught.

15.—What is your opinion regarding the general character of the inhabitants of your district? Has the moral character of the inhabitants been improved, or otherwise, by the system established by the British Government for the administration of the laws, and for the conduct of the internal administration of the country?

I must confess myself at a loss to give any decided opinion on the moral character of the inhabitants of this district. The natives are, I believe, from nature and education, addicted to intrigue and cunning; but the wise and humane system established by the British Government for the administration of the laws, and for the internal administration of the country, will no doubt in time have due effect, and tend to the improvement of their morals and general character.

16.—Are you of opinion that the inhabitants in general of the district under your jurisdiction, consider their private rights and property to be secured by the present institution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

I have no hesitation in declaring, that the inhabitants in general of this district consider their rights and property effectually secured to them by the present institution of the country against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals.

17.—Are you of opinion that the district under your jurisdiction is in a state of improvement, or otherwise, with respect to its population, cultivation, commerce, and its buildings or other works for religious, domestic, or other purposes; and on what grounds do you form your opinion?

As it is upwards of ten years since I was first appointed to this district, I can confidently assert, that the improvement with respect to population, cultivation, and commerce, is very great. I have frequently travelled over many parts of the district, and the increase in the cultivation is astonishing, and has frequently surprized me. I really believe that it has increased, since I have been in the district, in the proportion of one third; and the zemindars are yearly bringing into cultivation large tracts of jungle and waste lands; and I consider this to be chiefly if not entirely owing to the confidence they have in the assurances of Government respecting the decennial settlement.

18.—Are you of opinion that the inhabitants of the district subject to your jurisdiction, are in general satisfied with the British Government?

I am really of opinion that the inhabitants of this district in general, are greatly satisfied with the British Government. In conversing with some of the most intelligent natives in this district, they have frequently drawn comparisons between the Government they now have the happiness of residing under and the Mogul government, when neither persons or property were safe; and though some of the old Mahomedan families, whose influence ceased with their government, may regret former times, I verily believe that, generally speaking, there is scarce a man rich or poor, who does not ardently wish that British India may flourish and prosper.

19.—Is the present system of police well calculated to insure the apprehension of offenders?

In answering this question, I beg leave to give it as my opinion, that the present system of police is not well calculated to ensure the apprehension of offenders. The jurisdictions in this district of the police darogahs is by far too extensive; and though this might be obviated by increasing their establishments, yet I am of opinion, that the better mode would be to decrease their extent considerably, and instead of having darogahs, to place the police jurisdictions under the most respectable zemindars or farmers, allowing them a handsome establishment for peons. They would, I imagine, very willingly undertake the trust, as it would give them a degree of consequence in the mofussil. From their influence and local knowledge, they would be better able than the darogahs can possibly be to gain information, and they would find it to their interest to be particularly careful in preserving the peace, and protecting their ryots and dependants.

20.—Are the police establishments, in the district subject to your jurisdiction, adequate to the duties required of them?

For the reasons given in my answer to the foregoing question, I am of opinion, that the police establishments in this district are not adequate to the duties required of them.

21.—Are you of opinion that the number of crimes committed annually, in the district under your jurisdiction, has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution?

The number of crimes committed have certainly increased since the year 1793; but while I give this opinion, I confess myself at a loss to what cause to ascribe it, unless indeed it is

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owing to the laws at present in force being too lenient, and that the offenders do not meet with punishment severe enough and adequate to the crimes they commit. I have the satisfaction of saying, that crimes of any enormity are seldom or ever heard of in this district; the generality are for burglary, unattended by any aggravating circumstances, and disputes respecting boundaries and watercourses; and until some severer punishments are inflicted on the offenders, I fear that the number of crimes will increase yearly. By the 49th Regulation of 1793, proprietors who are proved guilty of endeavouring to possess themselves of disputed lands, by an armed force in which any person shall be slain or wounded, are liable to be prosecuted before the Court of Circuit, and dispossessed of their estates; but as the proprietors themselves seldom or ever go in person where these disputes happen, it is often difficult to bring home proof against them. But as it is very evident that no dispute concerning the possession of land can originate without the orders and connivance of the proprietors, though they may not be present, I would therefore recommend, that in every case whatever, where a body of men armed with sabres, guns, pikes or bludgeons, shall endeavour to possess themselves of land, and another body of men also so armed shall oppose them, and an affray ensue, that the estates of the proprietors on which these people reside as ryots or dependents, shall be immediately attached and sold by and for the benefit of Government. I would recommend that this order should be first proclaimed throughout the district in the most public manner, for the period of one month; and I am confident, that all disputes of this nature, and which by far form the greatest number of crimes committed in this district, will be effectually done away. With respect to other offences of burglary and petty thefts, I shall more fully enlarge on them in my answer to the 37th Question.

22.—What crimes of enormity are most prevalent in the district under your authority; and what is the cause of the prevalence of such crimes; and what are the means you would recommend for their suppression?

In my answer to the foregoing question, I have stated that crimes of enormity are seldom or ever committed in this district; and excepting a most notorious and desperate gang, who for a length of time committed great depredations in the town of Hajupore, no acts of atrocity ever came to my knowledge: I had however the good fortune to apprehend all the ringleaders and the greatest part of the gang, the whole of whom were either hanged or transported for life, and since that period not a robbery of any consequence has been heard of in the district. Many of this gang were old offenders, who had at different times been tried and sentenced by the Court of Circuit to imprisonment for a limited time. On being released from confinement they returned to their former ill habits, publicly laughing at the humane laws enacted by the British Government; and such was the dread they had impressed on the minds of the inhabitants, that not a man would ever prefer a complaint against them, nor could I for a long time after I had apprehended them, and had also the good fortune to seize in their houses stolen property to a large amount, get a man to stand forward as evidence against them. When any one threatened to complain against them, their answer was, "we have already been before the Court, and know what the present Regulations "are; the only punishment that can now be inflicted on us is confinement for a limited time, "in the end we shall be released, and then not a man shall escape who informs against us." In a letter to the Nizamut Adawlut, under date the 15th of June last, I very fully stated the whole of this business, and only now mention it, having in my answer to the 21st Question surmised, that the frequency of crimes might be owing to the laws now in force being too lenient.

23.—Do the inhabitants in general of the district subject to your jurisdiction, keep arms in their houses? What description of arms do they retain, and for what purposes are the arms retained?

I believe almost every native is provided with some kind of weapon or other, and the principal inhabitants have arms of different kinds in their houses. I have no reason to suppose that these arms are retained for any bad purposes, but merely for parade and show, in conformity to the old established custom of the country.

24.—Are there any brick or mud forts in your district? In what state are the forts, and what is the nature of their construction?

I do not believe that there is at present any brick or mud fort in this district.

25.—What proportion do the Hindoo bear to the Mahomedan inhabitants in the district subject to your authority, and what do you suppose to be the number of the inhabitants of your district, of all descriptions?

As I am not prepared to answer this question so accurately as I could wish, I trust I shall be excused deferring it to some future period.

26.—What are the names of the persons possessing the highest rank, and the greatest opulence in the district subject to your jurisdiction? what number of followers armed or otherwise, are they supposed to maintain in their service, and do they appear abroad with such followers armed?

The principal zemindar in this district is Rajah Mahdoo Sing, whose estate is very large, and he has the reputation of being very opulent; Barbor Runjeet Sing, Sharp Ahnud Hosaim Roy, Purseed Roy, and Esoif Ally Khan, also possess large estates; and are considered as men of character and respect; Rajah Mahdoo Sing very seldom stirs out of

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his house; he occasionally visits his station, and is then attended by 15 or 20 persons who run before his palanquin with pikes and sabres, but I believe they are only hired for the occasion, and that he has very few followers, if any, in regular pay. The other zemindars have no state whatever about them.

27.—Are there any persons in the district subject to your authority, supposed to be disaffected to the British Government? What are their names, and to what means do you resort for superintending their conduct? Have these persons any influence in the district, and to what extent?

I can confidently give it as my opinion, that there is not a man in this district who is disaffected to the British Government.

28.—Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles, and other marks of distinction, on its native subjects?

I am firmly of opinion, that if the British Government in India were to declare itself the sole source of honour within its territories, and to confer titles, and other marks of distinction, on its native subjects, it would be attended with the most salutary effects; and tend greatly to strengthen the attachment of the natives to the British Government.

29.—What is the state of the roads, bridges, and other public works, in the district subject to your authority, and at whose expense are they kept in repair?

There are in fact neither roads, bridges, or other public works, in this district. It is to be lamented, that at the formation of the decennial settlement, a trifling increase had not been added to the jumma, for the sole purpose of keeping up public works of this nature. To enforce the payment of any thing on this head from the zemindars, would be an infringement on their engagements, which Government in every instance most scrupulously avoid; but, with a little management, I think the zemindars would be induced, to come forward. A very trifling increase on their jumma, would raise a fund sufficiently large to answer every purpose required; and the benefits that would consequently accrue to the country and inhabitants at large are incalculable. I have before observed, that no sums are appropriated in this district for repairing and keeping up public works. Unless the bunds from Kamoul to Hajupore, on the banks of the Great Gunduch, are immediately put into thorough repair, the whole of the pergunnahs of Rully, Hajupore, Jernar, Balaguch, Dimadpore, and the lower part of Serissa, will be inevitably destroyed; owing to an unusual rise of the river in the season before last, the waters broke over the banks in several places, and did considerable damage. This last season the river rose still higher, and from Kamoul to nearly opposite Bar, it was one continued sheet of water; the crops were entirely destroyed, numbers of cattle drowned, and many lives lost. In many places, whole villages were swept away. The expense of making brund, I should suppose will cost at least 15,000 rupees, a sum the zemindars are not capable of advancing, owing to the heavy losses they have sustained; but I think it of that consequence, that I take the liberty of recommending the circumstance to the serious consideration of Government. If Government were to advance the money, and allow the zemindars to pay it in three years, free of interest, to them the loss would be trifling, and the benefit the country would derive from it would be great in the extreme; in short, unless something effectual is not immediately done, I am convinced that the pergunnahs I have mentioned, will be ruined for ever. Having been an eye witness of the damage sustained, I know the accounts are not exaggerated, and have therefore thought it my duty to mention the circumstance. The Collector in his report will of course enter more particularly into details.

30.—How are the convicts in the district usually employed; and is there any manner of employing them, which appears to you preferable to the manner in which they are at present employed?

The number of convicts in this district is very trifling; at present they are not above thirty; the few that are here are employed in repairing the roads about the town, &c.

31.—What is the state of the jail in your zillah?

The jail is built of mud, and owing to the late heavy rains is in a very bad state; I would take the liberty of recommending the building of a brick one, which might be done at a small expense; ten thousand rupees would, I imagine, be the utmost required.

32.—What is your opinion of the expediency of granting to zemindars, farmers, and other persons of character in your zillah, commissions empowering them to act as Justices of the Peace? Do you think that such a measure would contribute to the suppressing of crimes, and to facilitate the apprehension of offenders? By what rules would you regulate the extent of the jurisdiction of such persons; would you confine it to the estates or farms of the persons to whom the commissions might be granted, or otherwise?

In answer to the 19th Question, I have already given it as my opinion, that to employ the principal zemindars and farmers as police darogahs would be highly beneficial; their jurisdiction, I think, should be confined to their estates or farms; I do not think it would be advisable to appoint them Justices of the Peace, being of opinion, that the appointment is of too extensive and too serious a nature to be entrusted to a native.

33.—Are

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33.—Are there any new rules or regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

I am of opinion, that it is expedient to arm the Magistrates with more authority than they at the present possess, and particularly that they should have the power of imposing fines, and inflicting corporal punishment; and such a measure would, I have no doubt, tend greatly to the suppression of crimes in general. By the regulations now in force, the only punishment that a Magistrate can inflict for breaches of the peace, excepting petty thefts and crimes of greater enormity, which will warrant commitment before the Court of Circuit, is imprisonment for a period not exceeding 15 days; and which, in fact, is considered as no punishment at all by the natives, particularly by the lower class, and on whom these sentences are more generally passed. The effects of vesting in the Magistrates the power of fining and inflicting corporal punishment would, I think, be highly beneficial, and as such, I beg leave to recommend it; for, from the effect which I am certain it will have on the minds of the people at large, the number of crimes in the Foujdarry for abusive language, assaults, &c. with which the Court is overwhelmed, will be greatly done away, and the Magistrates have more time to attend to matters of more serious moment.

34.—What has been the operation of the last Regulation, respecting the tax on spirituous liquors, with regard to the vice of drunkenness? Are you of opinion, that the establishment of the taxes now levied on spirituous liquors, have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

Drunkenness is a vice to which the lower class in this country are so addicted, that I think little less than a total prohibition of the sale of spirituous liquors would tend to render the vice less prevalent. I am of opinion, that the last regulation of the manufacture and vend of spirituous liquors has been attended with much salutary effect.

35.—Do any measures occur to you, the adoption of which would, in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of the district?

I confess I am not prepared to offer any satisfactory answer to this question; the improvement of the moral character of men, whose whole lives have been one continued scene of cunning and low intrigue, can, I imagine, only be brought about by the dread and fear of punishment; and the vesting of greater powers in the Magistrate would, I have no doubt, in the course of time, contribute greatly to the attainment of this most desirable object.

36.—In your opinion, what has been the effect of the Regulation which declares persons convicted of the crime of perjury liable to be marked on the forehead?

I am of opinion, that the effect of the Regulation which declares persons convicted of the crime of perjury liable to be marked on the forehead, has proved salutary and beneficial in the highest degree.

37.—What has been the operation of the punishment of transportation introduced by the British Government?

I consider the punishment of transportation, particularly among the Hindoos, to have been salutary and beneficial in the extreme; and if more extended, would, I have no doubt, tend very greatly to the suppression of crimes in general. Thieving, in this country, is confined almost generally to the lower class, such as the doossads, chumaurs, dooms, &c. and though the Magistrate has the power, by the Regulations, to apprehend all persons of notorious bad character, and although people of this description are well known to the zemindars and inhabitants at large, yet either from fear or some other cause, no one will ever appear against them; and I have frequently been deterred from apprehending persons who have been reported to me, for fear of not being able to get evidence against them. Since the apprehension and punishment of the Hajeepore gang, the dread of giving evidence has been greatly done away; and if Government were to enact a Regulation, and publish it by proclamation over the country, declaring all persons who are convicted of being men of notorious bad character, and who live entirely by thieving, to be liable to be transported for life, I have no doubt but thieving would be entirely done away; and it might also be advisable to make a few examples, by transporting for life thieves who are taken with the stolen property on them, and who have before been confined under sentences passed by the Court of Circuit. I am by no means an advocate for enacting severe and harsh laws, but leniency has, I am sorry to observe, a contrary effect on the natives in general than might be expected, and a very few examples would, I have no doubt, have the desired effect.

38.—Are you of opinion that the Mahomedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

The alterations made by the British Government in the Mahomedan criminal laws, are, in my opinion, wise and humane in the extreme, particularly the abolition of mutilation and other severe and cruel punishments; but I am really of opinion that the laws are administered with too much lenity, and many alterations may, I think, with safety be made in them, particularly with respect to evidence. Presumptive evidence, however

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strong, is at present, I believe, not admitted of; and I have no doubt but that many, in consequence, escape that punishment which is justly their due. I am also of opinion that the punishments inflicted, are frequently inadequate to the crimes committed.

39.—What is the nature of the general conduct of the Europeans not in the service of the Company, who reside within your jurisdiction?

Having never had any serious charge preferred against any of the Europeans not in the Company's service, who reside in this district, I naturally conclude that they conduct themselves in a quiet and peaceable manner.

40.—What is the general condition of the weavers and other manufacturers in your jurisdiction? Are the existing laws and regulations well calculated for ensuring justice to the weavers and manufacturers in their dealings with the officers of the Company and with private European merchants; and also for enabling the officers of the Company, and the individual European merchants, to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods?

I am of opinion, that the existing laws and regulations are sufficiently calculated to ensure justice to the weavers and manufacturers in their dealings with the officers of the Company, as also to enable the Company's officers to obtain from them the punctual performance of their engagements. But with respect to the European merchants in this district, who are all Indigo planters, I am of opinion, that some laws or regulations are greatly wanting, both to secure the natives from injury, and the planters from fraud and ultimate ruin. To the planter, every thing, and indeed his all, depends on having his engagements fulfilled with punctuality. It will never answer his purpose to prosecute in the regular mode for damages; for, independent of the length of time that it must naturally take before his suits are finally adjusted, the suits, if adjudged in his favour, will be against persons possessing no property whatever, excepting their ploughs and other implements of husbandry. I am therefore of opinion, that in framing a regulation, the Judge should be authorized to try the suits in a summary manner; and on being satisfied that the engagements entered into by the zemindars or ryots were voluntary, that he should have the power of enforcing them, as the delay of a few days at the season for preparing and sowing the land is attended with the most serious consequences.

To protect the zemindars and ryots against oppression from the planters, by ploughing up their lands, cutting down trees, or other acts of violence, I am of opinion that they should enter into penalty bonds, subjecting themselves to be paid by the Court for every act of oppression proved against them; and that charges of this nature should also be investigated off-hand, as I have recommended in instances where the ryots fail in fulfilling their engagements to the planters.

Geo. Mouthnot,
Judge & Magte.

Zillah Tirhoot,
22d Dec. 1801.

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ANSWERS to the Interrogatories respecting the State of the Country, &c.;—received from the Magistrates of this Division;—viz.

Court of Appeal and Circuit	13 January	1802.
City of Benares (acting Magistrate)	17 December	1801.
Zillah Juanpore	17 D°	D°
D° Merzapore (acting Magistrate)	9 D°	D°

To N. B. EDMONSTONE, Esq. Secretary to the Government, Fort William.

Sir,

WE request you will submit to his Excellency the Most Noble the Governor General, the inclosed Answers to the Questions contained in your letter of the 20th of October last.

We are, Sir, your most obedient servants,

Benares, 13th January 1802.

J. Veave, 2d Judge.
P. Treeves, 3d Judge.

ANSWERS by the Benares Court of Appeal and Circuit, to the Questions inclosed in Mr. Secretary Edmonstone's Letter of the 20th October last.

1st. On the 31st December 1801, there were fifty-two causes undecided in our Court.

2d. Our Court was instituted in 1795, in which year there were no decisions passed. The subsequent Statements will show the number of causes decided and in arrear from that period to the 31st December last.

Causes decided in		Causes in arrear in	
1796	181	1796	44
1797	269	1797	79
1798	220	1798	49
1799	91	1799	78
1800	162	1800	67
1801	141	1801	52
Total	1,064	Total	369

By the above, it will be perceived what proportion the causes now in arrear bear to those of former years.

3. There were one hundred and forty-one causes decided by our Court in the last year.

4. We suppose that thirty causes must necessarily be depending before our Court. The time taken up from the period of admitting a Petition of Appeal, requiring the proceedings from the Zillah Courts, and giving the parties sufficient leisure to weigh and prepare their pleadings, and the occasional absence of the vakeels, are the general reasons for forming this opinion. For more than one year there has only been two officiating Judges to our Court; which reason, without entering into any further detail, will we trust account for our file not being reduced to the above standard; but we at the same time think it necessary to remark, that our arrears are not so numerous as to create any just cause of complaint from the suitors in our Court.

5. We conceive that suits would be more speedily decided if the reply and rejoinder were omitted in toto, for notwithstanding the prohibition in the Regulations against any matter being introduced in a reply, which may not be contained in a complaint, we never yet, except in our own Court, have been able to enforce the prohibition; indeed the reply and rejoinder mostly express the essence of the suit: this irregularity bears hard on the defendant, for a plaintiff who has doubtful grounds of action, words his plaint in general terms, and wishes to seize any advantage which may be derived in the answer, from the candour, ignorance or admission of his opponent. By the rejection of the reply and rejoinder, a plaintiff must, in the first instance, stand forward with the whole subject of action, without any hope of benefiting from the errors of the defendant; and we cannot but think that the omission of these pleadings, will operate equally to expedite the decision of causes, as to check groundless litigation. The Judges and pleaders will thereby have the merits of the cause in a closer point of view, their judgment will not be distracted by extraneous matter, and if the plaintiff or defendant shall have omitted to insert, by inadvertence or other cause, in the plaint or answer, any thing material to the suit, the Regulations afford a remedy by admitting a supplemental complaint or supplemental answer.

We think that the Judges ought never to omit taking down in writing the depositions of witnesses, even in causes which are not appealable to a higher tribunal. We sincerely hope this suggestion will never pass into a law. The natives are already too active in arraigning

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before a superior the proceedings of an inferior Court, and the omission of depositions as spoken, would afford ample field for supposed injury; the proceedings in such case could hardly be considered as a record of the trial; and in cases of perjury, how could offenders be convicted? Let it also be remembered, that all Judges are not perfect masters of the native languages, and though they may well comprehend a written deposition, on being read to them, it does not follow they can catch and understand the idiom and dialect of every clown and foreigner, which often puzzle even the writers of the Court. The Judge decides agreeably to his comprehension of the deposition of the witnesses; he has no check to correct misconception, and injustice may be the consequence with the best intentions. Let it further be recollected that this proposition is in cases not appealable to a higher tribunal; and from the weakness of our nature, we are more likely to err where the error ends with ourselves, than in a cause where revision, and perhaps censure, may follow. Finally, we conceive the little time to be saved by omitting written depositions, is by no means an equivalent for the probable errors which may arise from such omission.

6. We by no means recommend that the jurisdiction of the Native Commissioners should exceed the sum of 50 rupees. The facility with which suits are instituted before them, has, in the city of Benares, been the cause of much evil. Forgery and perjury have prevailed to a dangerous extent; but there is good ground to say, that by the activity of the Magistrate and due co-operation of the Court of Circuit, the evil will in a great measure be repressed. We have no reasons to offer why the jurisdictions of the Registers should exceed the sum of 200 rupees, neither have we any objections to a larger amount, as it requires equal ability to decide a cause for one rupee as one thousand, perhaps more, for in a litigation for a large property, there are strong lines of distinction, and more precaution observed than in those of a trifling nature.

7. Litigation has been certainly checked by the fees payable on suits and the stamp duties, and are not, in our opinion, too considerable, though we do not advise an increase. The Regulations do not define what recompense is to be paid to witnesses who may be called on by the suitors; it is certainly difficult to mention one ratio as applicable to all, and for that reason perhaps the Judges have been made the arbiters of the quantum: to those witnesses who require support, one anna for every coss of direct road they may travel from and to their home in return; as also the same sum per diem during their necessary attendance in Court, may be considered as an adequate recompense, and charged at that rate in the costs of suit.

8. The fees received by the vakeels are a sufficient inducement for men of character to take up the profession of pleader, and they are in general well acquainted with the printed Regulations, at least with those immediately necessary for their practice in our Court.

9. The establishment of vakeels has much contributed to expedite the decision of suits, and bringing more accurately before the Court the merits of a case. The contrast is strikingly experienced when ever a suitor insists that a pleading written by himself shall be read, wherein he has refused the advice and assistance of his vakeel.

10. The vakeels in general discharge their duty faithfully to their clients.

11. We should suppose that a critical knowledge of the laws of the country is chiefly confined to the pundits and molavees, though, from our acquaintance with the principal inhabitants of our jurisdiction, we certainly must rank them as well-informed men.

12. This question is answered in the 5th paragraph.

13. Our Court-room is an open room, without any bench allotted for the Judges, public officers, or any party concerned or not concerned in a cause; in the centre is a large round table, covered with green cloth, whereat the Judges preside. The only forms observed by us, either in opening or sitting in Court, are those which propriety and decorum dictate, without having adopted any specific rules to serve us as a guide for our conduct.

14. The Judges of the different divisions in this zemindary will best answer this querey: The establishment of the Hindoo College in the city of Benares by Lord Cornwallis, at the instigation of the late resident Mr. Duncan, being a matter of public record, we conceive any further remark on our part would be superfluous.

15. We believe the general moral character of the inhabitants of this zemindary to be good, and this opinion is founded on a comparative review of the trials on the circuit, and the mass of the people over which our jurisdiction extends. The natural consequence of a well-established system of government must be the improvement of the moral character of the inhabitants.

16. We are of opinion that the inhabitants in general of this zemindary do conceive their rights to be fully secured by the present constitution, and that they will prosecute their oppressors, or those they deem such, however high their office or rank in life: in proof of this assertion, we have to state, that the Hutlue Sultaun Regum, his Excellency the Nawaub Vizire, and the Collector of Benares, have all answered to suits in the Courts.

17. We are of opinion that our division is in a state of improvement, as to its population, cultivation, commerce, and buildings, both religious and domestic; and the grounds of this opinion are formed from personal observation.

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Answers by the JUDGES.

Benares Division.

Court of Appeal and Circuit, 13 January 1802.

18. This quere is very difficult to answer with any degree of confidence; and the attachment of the inhabitants to the British Government can only be made known from causes which we earnestly deprecate, such as an invasion, or similar contingencies. The common speech of the people of the country, is a rant of praise and flattery; and it may be supposed that those inhabitants with whom we associate are not deficient in extolling the happy effects of our administration; doubtless, if they look to the neighbouring states, and draw a comparison, no terms of praise will be too extravagant. Generally speaking, if we could dive into the hearts of men, and disclose their opinions, we should suppose the first class of Hindoo inhabitants, wavering, chiefly from motives of ambition; the middling, satisfied, and the lower orders well pleased with our Government,—a very necessary distinction to be made; for we believe the Mussulmen one and all detest our Government: we have subverted their dominion; they see us possessed of all the offices of state; and besides these causes of hatred, their religious prejudices operate strongly against us. The bankers, of all other inhabitants, feel the greatest confidence in our Government, and no better proof can be given of its stability and integrity; which, if fair reasoning was adopted, would equally affect all classes of men.

19 and 20. The present system of police is well calculated to ensure the apprehension of offenders in the cities; but we conceive the police establishment in the interior to be kept up by the tekseeldars, not sufficiently defined in the Regulations, and are only adequate or inadequate to the duties required of them, in proportion to the liberality or energy of the tekseeldar from principle, or compulsion of the Magistrate.

21. The annual number of trials on our calendars have of late years, with the exception of 1801, been more numerous than on the first institution of the Courts in 1795: we do not attribute this increase to greater delinquency, but to the pursuance of the present system of police being better understood than heretofore.

22. We conceive boundary affrays to be the crimes of enormity most prevalent; but these are diminishing. The Regulations on this subject, in our opinion, require no improvement, and day by day the decrees of the Court give a permanence to property, which will in due course remove the cause; moreover, the people more habituated to our system, will apply to a Court in preference to personal redress.

23. The Magistrates are best qualified to answer the quere.

24. The Magistrates are best qualified to answer this quere.

25. We have no grounds whatever for ascertaining the population of this zemindary, or the proportion the Hindoo bear to the Mussulman inhabitants; from conjecture, we imagine the Hindoos to be ten times more numerous than the Mahomedans in cities, and twenty times so in the country. By a calculation made by Mr. Deane of the inhabitants of the city of Benares, they amounted to 582,625 souls.

26. The Judges and Magistrates will best answer this quere.

27. We know of no person in our jurisdiction disaffected to the British Government.

28. We are of opinion the attachment of the natives would be strengthened by marks of distinction from the British Government, when it shall be declared the sole source of honour within its territories. Like all innovations, it will require some time to remove the prejudices in favour of the House of Timur; but while our power has superseded the Mahomedan in British India, we confirm their prejudice, by stamping the imperial name on our coin and receiving titles at their hands.

29. The Magistrates will best answer this quere.

30. The convicts are usually employed in repairing the roads in the vicinity of the jails, and we know of no mode preferable to the present one: were they to work at such a distance from the jails as to preclude their return by night, the guards must be more than doubled, and huts erected for their reception. Their labour will never benefit the state in proportion to the expense; and if much work be exacted from the convicts, they are galled by their fetters, and rendered for a certain time altogether useless.

31. The Magistrates will answer this quere.

32. We should be very sorry to see commissions granted to zemindars, farmer, or any description of persons, to act as Justices of the Peace: we sincerely think, that if such powers were granted, they would often be converted to the gratification of private enmity, and the Magistrate would have more trouble in settling disputes from this cause, than in committing for trial any offenders they might apprehend.

33. We have no new rules to propose for the suppression of crimes; we conceive, however, that the Police in general would be more efficient if the Magistrates were permitted, whenever they have a complaint to make against a tekseeldar, to send their proceedings to the Governor General in Council, in the Persian language, without a translation in the English, whereby much time would be saved for other avocations, and speedy punishment follow a direliction of duty.

34. The vice of drunkenness has certainly become less prevalent since the price of spirituous liquors has been increased.

35. We

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Answers by the JUDGES.

Benares Division.

Court of Appeal and Circuit, 13 January 1802.

35. We are not prepared to propose any new measures which would, in our opinion, contribute progressively to improve the moral character of the inhabitants of our division; we conceive an adherence generally to the present system of administration will have that effect.

36. The effect of the Regulation alluded to in this quere, has been little felt, not from any error in the Regulation, but from the very great difficulty of convicting persons accused of perjury.

37. We cannot speak decidedly of what may have been the operation of the punishment of transportation; but we conceive that many of the prisoners on whom this sentence has been passed, would have preferred death.

38. On a general scale, we do not think that the criminal law, as now administered, is too lenient or too severe. Many charges in our calendars, which bear names of great offence, are, on investigation, found to be mere petty offences and punished accordingly; consequently, in the list sent down by the Magistrates to the Nizamut Adawlut, the punishments may often appear very inadequate to the crime alleged against the prisoners; in cases of adultery the Mussulman law hereby allows of conviction, yet, as in England, this crime forms a civil prosecution, we shall not suggest any alteration of the law as it now stands. That forgery and perjury have increased of late years we have no doubt, but cannot venture to assert these evils to have arisen from the operation of the spirit in which the criminal laws is administered. Testimony and vouchers being the foundation of all causes, we could wish the most exemplary punishment to be inflicted on those persons convicted of forgery and perjury; if transportation was to be the necessary consequence of conviction, we think the apprehension of this punishment might deter many from selling their faith. The witnesses ought also to be informed of this law previous to their testimony being received in any Court, civil or criminal.

39. The Judge who makes the half-yearly circuit, usually completes it and the city gaol delivery in six weeks.

J. Veave, 2d Judge.
P. Treeves, 3d Judge.

Benares Court of Appeal and Circuit.

Benares, 13th January 1802.

To N. B. EDMONSTONE, Esq. Persian Secretary to Government.

Sir,

I HAVE now the honour of transmitting, to be presented to his Excellency the Most Noble the Governor General, a copy of the Queries transmitted in your letter of the 21st October, with my Replies annexed.

I have the honour to be, Sir,
Your most obedient humble Servant,
Acting J. & M.

City of Benares, the 17th December 1801.

INTERROGATORIES:—1. What is the number of Causes now depending before you, before your Register, and before the Native Commissioners?

The number of Causes now before the acting Judge is 268, including Appeals from the Register and the Commissioners. The number before the Register of the Court is 239, including Appeals from Commissioners; and the number before the Commissioners 1,683. —Total 2,190.

2. What proportion does the number of Causes now depending before the three tribunals of the Judge, the Register, and the Native Commissioners, bear to the number of causes usually depending during the several years commencing from the year 1793 to the present period?

About one-third increase.

3. What number of causes was decided in the past year by you, by your Register, and by your Native Commissioners?

The number of causes decided by the late Judge (Mr. Davis) by the Judge, by the late acting Judge, in the past year, were 296; the number decided by the Register, in the same year, 546; and by the Native Commissioners, 8,814.—Total, 9,656.

4. What number of causes do you suppose must necessarily be depending before your Court and that of your Register, and before the Native Commissioners; and what is the reason that the number of causes depending before those tribunals respectively, is not reduced as low as you think it might be reduced?

I suppose, before the Judge, including Appeals, about 200; the same number before the Register; and if the present system of the Commissioners be continued, by their being all munsiffs, instead of being as I would advise most of them to be, and as I have it in contemplation to propose they should be, Referees, 1,400. The cause of the increase in the number of causes, is, I conceive, to be attributed chiefly to the changes which have taken place since Mr. Davis's removal, and to the improper encouragement of litigation, which the Commissioners of the city, being all munsiffs, gives rise to.

5. Are

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Benares Division.

City of Benares, 17 Dec. 1801.

5. Are you prepared to suggest the establishment of any rules which (consistently with a due administration of the laws) would expedite the decision of suits? Are you of opinion that this object would be in any degree promoted by leaving it optional in the different tribunals to commit the deposition of witnesses, in causes not appealable to a higher tribunal, to writing or not, as the Judges might think proper?

I shall state, in reply to Query 12th, the only alteration in the forms of conducting suits, which occurs to me at present. It does not strike me that any advantage would arise from the option proposed in this query, nor do I think it a power which ought to be granted, nor to be wished for by the Judges.

6. Are you of opinion that it would be advisable to extend the jurisdiction of the Native Commissioners, to suits for sums exceeding 50 rupees, and that of the Registers to sums exceeding rupees 200; which is the amount to which you would recommend the jurisdiction of the Courts of the Commissioners, and of the Registers, should be extended; and to what degree would the general administration of justice, in the city, subject to your jurisdiction, be expedited, by the adoption of this arrangement?

The jurisdiction of the Register might be, with great propriety and advantage, extended beyond its present limits; but it would be by no means advisable to extend the jurisdiction of the Native Commissioners: were the jurisdiction of the Register extended to four or even five hundred rupees, the effect, I conceive, would be beneficial to the suitors, by expediting the decision of small causes, and to the public in general, as it would enable the Judge, in his capacity of Magistrate, to devote more of his time to the details of police.

7. Has litigation been checked by the establishment of the fee paid to Government on the institution of suits, of the fees paid to the vakeels, of the fees paid on exhibits in the Courts of Judicature, and of the stamp duties? Do you consider these several charges attending the institution of suits to be too considerable, or otherwise?

Litigation has been most certainly checked by the establishment of the fees at present paid, but I am by no means of opinion that those fees are too heavy.

8. Do the fees paid to the licensed vakeels on suits instituted or defended by them, constitute a sufficient inducement to men of character, and of proper qualifications, to undertake those situations? Are the vakeels attached to your Court persons of the above-mentioned description; and are they in general well acquainted with the printed Regulations?

The fees are sufficient. The majority of the vakeels of this Court are respectable intelligent men, and in general not deficient in their knowledge of the Regulations of Government.

9. Has the establishment of licensed vakeels contributed to expedite the decision of suits, by bringing more speedily and accurately before the Court, the merits of the suits instituted?

The establishment of licensed vakeels, has undoubtedly contributed to expedite the decision of suits, the constituted vakeels having no interest, but the contrary, in prolonging suits; and from their experience they are more aware of what is really necessary for the support of their client's cause, and what ought to be rejected as extraneous.

10. Do the vakeels in general discharge their duty to their clients with honour and fidelity?

It is obviously their interest to acquire a character for honour and fidelity, in their intercourse with their clients, that I have no reason to think an instance to the contrary has ever occurred.

11. Are the principal inhabitants of your jurisdiction as well acquainted as individuals in general can be supposed to be informed of the laws of the country?

Their knowledge is of course superficial, but not more so than that of persons in general who are not concerned in Courts of Justice or in the execution of the laws.

12. Are you prepared to state any alteration in the forms established for the trial of civil suits, which would contribute to expedite the decision of the suits, without endangering the due administration of the laws?

The only change I would at present propose, is, that after the plaint, which ought to be drawn up as concisely as possible, is filed, the defendant should be required immediately either to acknowledge the whole demand or to enter an appearance; the plaintiff should in the last case immediately file his declaration at full length, to which the defendant should answer within a week; all this might be finished in a short time, whereas at present the parties may trifle away upwards of two months, and after that time the pleadings are in general incomplete.

13. Have you in your Court-room any place allotted for the bench of the Judge, for the public officers, for the parties or their vakeels, for the witnesses, and for all persons who attend your Court; and what forms or ceremonies do you observe in opening your Court or sitting in it?

In this Court there is a platform on which the seat of the Judge is placed, and on the floor of the Court-room there are seats for the principal officers of the Court; the parties stand immediately opposite the Judge; the room is capacious and admits of the

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attendance of as many by-standers as wish to be present, who submit to the silence and decorum which is of course necessary. There are no established forms.

14. Are there any private schools or seminaries in the city under your jurisdiction, in which the Mahomedan or Hindoo law is taught; and how are those institutions maintained?

Besides the Public College for Hindoo literature, instituted during the residency of Mr. Duncan, it appears from a list now before me, that there are in this city private teachers, who teach both the Hindoo and Mussulman law. Of the teachers of the Hindoo law, 300 are stated to be eminent, and there are stated to be in all 5,000 pupils.

From a prevailing idea that were they to receive any remuneration immediately from their pupils, the religious merit of teaching the Bedes would be lost, they receive in general nothing from them, but are supported by donations from pilgrims of rank, and some of the most eminent receive regular salaries, and have grants of land from the Rajah of Jynaghur and the Mahratta Princes. The statement above quoted, notes the names of 30 persons who teach the Mussulman law: they are mostly persons of property or in public employments, who give instruction gratis. None of them have more than ten pupils.

15. What is your opinion regarding the general moral character of the inhabitants of your city? Has the moral character of the inhabitants in general been improved or otherwise, by the system established by the British Government for the administration of the laws and for the conduct of the internal administration of the country?

There does not appear to be any obvious change in the moral character of the natives; moral instruction in their infancy is just as much neglected as formerly; the only difference arises from the change of Government. The power of by violence preying upon the unprotected, is now checked.

16. Are you of opinion that the inhabitants in general of the city under your jurisdiction, consider their private rights and property secured, by the present constitution of the country, against infringement, either by the executive officers of Government, or even by the supreme executive authority itself, or by individuals?

They are fully sensible of the contrast between the British dominions and the territories of the other powers of India, in respect to security of persons and property; the tale of every pilgrim and traveller prevents them from forgetting it.

17. Are you of opinion that the city under your jurisdiction is in a state of improvement or otherwise, with respect to its population and commerce, and its buildings or other works for religious, domestic, or other purposes; and on what grounds do you form your opinion?

The city of Benares is in a progressive state of improvement in these respects, within the last sixteen years; a statement now before me points out forty begas of land as being added to the bounds of the city; and this is not from population changing its place to some favoured spot. The increase has been regular on all sides; the surrounding villages are also increased and increasing. The population of Benares was, after a laborious enumeration of the number of houses, reckoned by the late acting Magistrate Mr. Deane, to amount to 600,000 persons; it may with confidence be stated at 500,000.

18. Are you of opinion that the inhabitants of the city subject to your jurisdiction, are in general satisfied with the British Government?

As much so as can be expected under a foreign domination. The discontents which do exist are not perhaps more than the natural restlessness of mankind must invariably produce.

19. Is the present system of Police, well calculated to insure the apprehension of offenders?

The Police in the Benares district is by no means efficient. The thesaldars, to whom, in the different pergunnahs, the care of the Police is entrusted, look upon their duty as police officers as a secondary consideration. Notwithstanding the amount which is allowed by Government for police, they keep skeletons of establishments, and trust to the ultimate responsibility of the landholders to reimburse them for the amount of any decrees which may be given against them on prosecution by persons who have been robbed; I am well aware of the advantages of the system which employs the thesaldars, seconded by the local information, and a sense of ultimate responsibility in the landholder as a police officer; but some active principle is still wanting to produce the good effects, which I am certain may be produced. The thesaldars should be made to feel themselves more immediately under the controul of the Magistrate. Their Police Officers should be liable to be dismissed immediately by the Magistrates for neglect, and the appointments filled up with his approbation and concurrence: they should be obliged to deliver in monthly, or whenever the Magistrate may choose, a list of their police establishments. At present, the thesaldar resides commonly in the city, and trusts the peace of society in his province to some miserable representative, still more miserably supported, whose chief merit is the smallness of his claims upon his constituent. Some active principle is therefore evidently wanted, and this, it is presumed, is the immediate efficient controul of the Magistrate.

20. Are the Police establishments in the city subject to your jurisdiction, adequate to the duties required of them?

I am not prepared at this moment to propose any change in the Police of the city; what immediately strikes me, is the want of a small fund, under whatever controul it may be thought proper to put it, in the hands of the Magistrates to reward services and to pay for information; a fund of this sort is much wanted, none at present exists.

21. Are you of opinion that the number of crimes committed annually in the city under your jurisdiction, has increased or diminished since the year 1793; and to what cause do you ascribe the increase or diminution.

Crimes have, within these few years, since Mr. Davis's appointment as Judge and Magistrate, decreased. This change is of course to be attributed to a more efficient police than existed formerly.

22. What crimes of enormity are most prevalent in the city under your authority; what is the cause of the prevalence of such crimes; and what are the means you would recommend to be adopted for their suppression?

The most common crimes are burglaries, by making holes in the walls of houses, and larcenies; sometimes instances occur of lives being lost in consequence of affrays at melahs; and sometimes of children being murdered for trinkets; but it is presumed that these have not been so common during some years past as they were. The means I would propose for the suppressing these are, that the chief attention of police should be turned towards receivers; that receiving stolen goods should be treated as an original offence in the Courts of Circuit, punishable even with the greater severity than the original felony; that a good jail should be built, which would admit of preventive measures; the separating novices from old offenders; that if possible the Magistrate should have more of his time at his disposal, to enter into the details of police; that a fund should be in the power of the Magistrate, to pay for information and services; and that an active principle should be instilled into the police of the pergunnahs.

23. Do the inhabitants in general of the city subject to your jurisdiction, keep arms in their houses; what decriptions of arms do they retain; and for what purposes are the arms retained?

The inhabitants in general do keep arms in their houses, and carry them with them; formerly it was necessary, to put them on a footing with their neighbours; but I believe they are now kept more from custom than from any sense of necessity: their doing so, however, might and ought to be checked; a sword is the weapon commonly kept.

24. What proportion do the Hindoo bear to the Mahomedan inhabitants, in the city subject to your authority; and what do you suppose to be the number of the inhabitants of your city, of all descriptions?

The Mussulman inhabitants of this city are supposed to amount to one-tenth part of the total inhabitants of the city, which, as I stated before, in reply to Query 16, I conceived to amount to upwards of 500,000.

25. What are the names of the persons possessing the highest rank and the greatest opulence in the city subject to your jurisdiction; what number of followers, armed or otherwise, are they supposed to maintain in their service; and do they appear abroad with such followers armed?

The persons possessing the highest rank are,—the Begum, widow to Prince Jewun Bukht, Mirza Khorrum Bukht, Mirza Shegofta Bukht, Nowaub Johanabadee, her son, Mirza Ally Kaddun, the son of the late Nowaub Dil Delair Khan the Rajah of Nepaul, Rajah Oodet-Narain, the widow and son of the late Gulaum Mahommud Khan. The names of those possessing the greatest opulence are,—Bissambur Pundit, Baboos Bhowanny Doss, Dowarha Doss, Mootee Chund Mukkund, Loll Monohur Doss, Arit Ram Tewary, Bullum Doss, Jumna Doss. The following is a detail of the number of followers and dependants (males) which they are supposed to have in the city of Benares. The armed men attached to the bankers are retained for the purpose of, and commonly employed in, conveying treasure.

	Total Dependants, Males.	Armed.	Attend when their Masters appear abroad.
Her Highness the Begum Mirza Khorrum	1,000	300	200
Mirza Shegofta Bukht	300	100	60
Nowaub Jahnnabadee and Son	125	50	50
Son of Nowaub Die Delair Khan	100	25	10
Rajah of Nepaul	500	500	200
Rajah Oodet Narain	400	200	200
Widow of Goldum Mahommed Khan	150	60	60
Bissumbhur Pundit	400	80	6
Bhowanny Doss	100	50	4
Dewarka Doss	200	100	10
Moolee Chund	100	50	6
Mukkund Loll	100	75	25
Menohur Doss	40	15	2
Bullum Doss	25	15	2
Jumna Doss	100	25	5
Balkishen Doss	25	10	—

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26. Are there any persons in the city subject to your authority, supposed to be disaffected to the British Government; what are their names; and to what means do you resort for superintending their conduct; have these persons any influence in the city, and to what extent?

The disturbances which took place in consequence of Vizier Alli's being ordered to leave Benares, had the effect of showing those persons who were actively disaffected to the British Government. None of the inhabitants of rank or opulence are at present suspected.

27. Are you of opinion that it would contribute to strengthen the attachment of the natives to the British Government in India, were that Government to declare itself to be the sole source of honour within its territories, and to confer titles and other marks of distinction on its native subjects?

When the name of a Moghul sovereign exists, the measure would probably be very unpopular; but a crisis must, in the course of events, soon arrive, when the British Government need acknowledge no superior.

28. What is the state of the roads, bridges, and other works, in the city under your authority; and at whose expense are they kept in repair?

In the country the roads are in general in very bad order: those immediately about the city are kept in sufficient repair by the labour of the convicts, and the savings from the allowance for scavengers; no fund exists for building or repairing bridges, or other public works.

29. How are the convicts in the city usually employed; and is there any manner of employing them which appears to you preferable to the manner in which they are at present employed?

The convicts are employed upon the roads. I am not at present prepared to propose any general system for employment for them; but it would be desirable, if they could be employed, such as have been taught mechanical trades in them, and others in some mode of labour which could be afterwards followed by them for a livelihood, when released.

30. What is the state of the jail in your city?

I had the honour of representing to his Excellency the most noble the Governor-General, when at Benares, the deplorable state of the jail at this city; and his Excellency has been pleased to intimate that others should be built.

31. Are there any new Rules or Regulations which you would recommend to be adopted, as being calculated, in your opinion, for the suppression of crimes in general?

Those which at present occur to me I have already enumerated in my Reply to Query 22. I think it would be highly beneficial if some principle of discord could be introduced amongst delinquents, by holding out a hope of pardon to offenders who aided in convicting their accomplices or receivers; other concurrent testimony should of course be required.

32. What has been the operation of the last Regulation respecting the tax on spirituous liquors, with regard to the vice of drunkenness? are you of opinion that the establishment of the taxes now levied on spirituous liquors, have rendered the vice of drunkenness more prevalent than it was previously to the establishment of those taxes?

I don't think that the taxes have hitherto tended much to render less frequent the crime of drunkenness.

33. Do any measures occur to you, the adoption of which, would in your opinion, contribute progressively to the improvement of the moral character of the inhabitants of this city?

I am not at present prepared to propose any direct mode for effecting this purpose.

34. In your opinion, what has been the effect of the Regulation which declares persons convicted of the crime of perjury liable to be marked in the forehead?

I think the general effect has been beneficial.

35. What has been the operation of the punishment of transportation introduced by the British Government?

It is at present more dreaded than the punishment of death, and it will always be much dreaded by the Hindoos. The effect has been most beneficial.

36. Are you of opinion that the Mahommedan criminal law, with the alterations of that law made by the British Government, is administered with too much lenity or with too much severity; and what do you suppose to be the consequences produced by the operation of the spirit in which the criminal law is, in your opinion, administered?

The undeviating severity with which the crime of murder is punished, has been productive of the most beneficial effects.

37. What is the nature of the general conduct of the Europeans, not in the service of the Company, who reside within your jurisdiction?

No instances of violence towards the natives occur, nor any of oppression: the fairness of their dealings, and their quiet deportment, does them credit in the eyes of the natives.

38. What

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38. What is the general condition of the weavers, and other manufacturers in your jurisdiction? Are the existing Laws and Regulations well calculated for ensuring justice to the weavers and manufacturers, in their dealings with the officers of the Company, and with private European merchants, and also for enabling the officers of the Company and the individual European merchants, to obtain from the weavers and manufacturers the punctual performance of their engagements for the provision of goods?

I never have heard any complaints on the subject.

Acting Judge and Magistrate.

To N. B. EDMONSTONE, Esq. Secretary to his Excellency the Most Noble The Governor General.

Sir,

I HAVE the honour to transmit my Answers to the Questions forwarded to me in your Letter of the 21st of October; and, agreeably to directions lately received from the Honourable the Vice President in Council, I request you will please to submit them to his Excellency the Most Noble the Governor General.

Zillah Juanpore, 17th December 1801.

I am, Sir, your most obedient Servant,
A. Willand, Judge and Magistrate.

To G. Dowdeswell, Esq. Secretary to Government, Judicial Department, Fort William.

Sir,

I HAVE the honour to submit to the Vice President in Council, my Answers to the Questions forwarded to me by directions of his Excellency the Most Noble the Governor General.

1. The number of causes depending in the Juanpore Court, on the 31st of October last, was as follows:

Before the Judge:		
In Appeal from the Register	55	
D° from the Commissioners	16	
		71
Original Suits	151	
		222
Before the Register:		
Original Suits	249	
Before the Native Commissioners	412	
		883

2. The proportion of causes depending in October 1795, the first year of the institution of the Courts in this part of the country, and of the number depending—

In October 1801, is as	1,095 to 3,710.
In October 1797, as	5,999 to 3,710.
In October 1798, as	4,652 to 3,710.
In October 1799, as	4,660 to 3,710.
In October 1800, as	3,394 to 3,710.

The causes remaining undecided in September 1795, are brought forward and included in the causes instituted in 1796; and in the same manner the remainder has been included in each succeeding year.

3. The causes decided in the past year are as follows, from October 1800 to September 1801:

Decided by the Judge in appeal from the Register	80	
In appeal from the Commissioners	35	
		115
Original Suits	148	
		263
Decided by the Register	400	
Decided by the Commissioners	2,164	
		2,827

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4. I am of opinion the following number of causes must necessarily be depending in this Court:

Before the Judge in appeal	- - - -	130
Original Suits	- - - - -	175
		305
Before the Register	- - - - -	467
Before the Native Commissioners	- -	3,000
		3,772

The causes brought forward in this Court are mostly regarding the rights to real property, and shares of partners in estates, which take up much time and attention in deciding; a considerable number also relate to boundary disputes. The number appears to me reduced at present as low as possible.

5. I am not enabled to suggest any rules by which the decision of suits would be expedited. It might be of injurious tendency to leave it optional whether to commit the depositions of witnesses to writing, or not, as being the principal criterion by which to form a decision in all cases, and as it might lessen the means of discovering the fallibility or correctness of the conduct of the Courts. Another objection likewise occurs, that as witnesses in this country are found readily liable to bribery without their depositions were committed to writing, by which, if they deviated afterwards, they might be confronted; they might be frequently inclined, at the instance of the opposite party, to deny what they had before sworn to.

6. The Native Commissioners residing in distant pergunnahs from the Court, are found in general to be irregular and negligent in their proceedings, and no dependance can be placed on their integrity; it might not therefore be advisable to extend their jurisdiction. I would recommend, however, that two munsiffs should be authorized for the trial of causes cognizable at present by the Register; that they should be appointed by the Zillah Judge, and should be liable to fine and removal, subject to appeal before the provincial Court. Their allowances to be fixed at eighty and one hundred rupees a month, and to receive the same as the Register's fees, on the decision of causes instituted before them. The second munsiff to the higher situation, when a vacancy occurred. That they should only hold cutchery in an adjoining or near building to the Court of the Judge, so as to admit of the regular established vakeels conducting the suits which might be brought before them, and to enable their conduct being properly superintended, which at a distance is not found practicable. The jurisdiction of the Register might be extended with advantage to the trial of suits for 500 rupees; and by these means the general welfare of the country would be better secured by affording more speedy redress to parties who may be aggrieved. At present, injury and oppression are more frequently successful by their being submitted to or compromized, rather than by the delay and tardy process of the Court to seek complete redress against the evil. To define the degree by which the administration of justice may be expedited by the introduction of additional powers for conducting it, may not be practicable. It may be allowed however, as likely to result from the speedy redress of grievances, that the inhabitants will become less inclined to deviate from their fair engagements, or to commit injuries one against another. Each munsiff would be able to decide about thirty causes in the course of a month.

7. The fees and costs payable in suits instituted in the Courts, as they fall on the party cast, are of the greatest advantage. It is by this loss to which they are subjected, and by the speedy and well administration of the laws, that litigation can be expected to be checked and deterred. I have not experienced that their amount is found excessive, but on the other hand they appear sufficient at present to defray a part of the expense of the establishment of the Court, and to answer the object of preventing frivolous and unfounded complaints.

8. The fees which the vakeels enjoy, render their situations desirable, numerous persons are emulous to succeed to them; they are of course employed agreeably to their qualifications, and some who are found inactive and deficient, remain with scarcely any business to transact; it is desirable these should be removed, not only as unnecessary, but as their wants might lead them to promote improper litigation; and they will fill the place of better men, who might be employed with advantage in raising more general emulation.

The establishment of the vakeels in the Courts, must be generally of advantage, as contributing to regularity and precision. They are personally amenable for all extraneous or improper subjects which they may introduce in the causes in which they are concerned, and they are therefore essentially necessary, as they cannot plead ignorance in excuse; whilst the inhabitants in general, being unacquainted with the forms and rules, might be constantly perplexing the proceedings, and there could be no remedy against artifice, or pretended want of due information.

10. The vakeels in general discharge their duty with fidelity; the number engaged in the Juanpore Court, was originally thirty-five, and out of those, only three have been found deficient, during a period of six years in which I have been engaged in the office, and on a representation of their conduct they were immediately removed.

11. The principal inhabitants are very little acquainted with the laws. The former city Courts established in this part of the county were too circumscribed to be efficient, and what

duties were conducted were frequently ill-administered. Originally the will of the prevailing ruler was the guide of their conduct; and of late, for a period of little more than six years, can it be said, that regular Courts of Justice for administering the laws have been established; the inhabitants therefore could entertain no prospect of adequate benefit by applying to the study of them formerly, and as yet it may be considered sufficient time has scarcely elapsed to ensure them of the necessity and advantage of such a study.

12. I know of no alteration in the forms of the Courts which would be likely to expedite the decision of suits.

13. A chair and table form the bench of the Judge, and a seat is allowed to the molovy and sherishtadar; the parties or their vakeels stand in front; an officer to read, one to take down the proceedings, and one to collect and deliver the causes for trial, stand on each side, and the intervals are filled with indifferent spectators, or with vakeels ready to come forward in succession as their respective suits are produced for trial, agreeably to their registry; no particular ceremonies are used either in opening the Court or in sitting in it.

14. There are no private schools or seminaries for teaching the Mahomedan or Hindoo laws; formerly there were, but the establishments instituted for their maintenance, have long since been sequestered.

15. Of the moral character of the inhabitants of the country little can be said, as their faith and good will towards man is guided between the extremes of personal interest and danger; the point diverging farthest from either may be considered their indifference, from which they swerve, as interest or fear directs. Their religion inculcates universal charity, but all heavenly inspiration and belief are so entirely superseded by their forms and ceremonies, that their particular acts and general conduct seem more to arise from artificial effects than nature. Their behaviour to their families, relations, friends, and acquaintance, is guided entirely by rule, and their grief and joy are measured, as much as possible, by the same standard. Wantonly they may not be inclined to destroy the life of another, but the smallest incentive, free of risk, will induce them to do it, as well as yield their own. When they are guilty of the crime of murder, their constant answer is, that it was their destiny. They are are not willing to acknowledge what was their motive. However, what they do acknowledge serves as no excuse; at present the example of their punishment will probably tend in time to put a stop to their ready commission of crimes, both of this and every other kind. The principle of our doing good to others as we would that others should be guided in their conduct to us, is not known among them; and their virtue, arising from the fulfilment of their duty, in the expectation of its being consistent with the will of the Deity, I have never in any instance discovered. I have observed however some possessed of abilities, qualified to rise to eminence in other countries, but a moral virtuous man I have never met with among them. Under this experience, I am of opinion, the just administration of the system of laws established by the British Government to prevent and punish crimes and offences, will go far towards establishing the morals of the inhabitants; but as yet, sufficient time has not expired since their institution to occasion any prominent change in their character in consequence of them.

16. I am not of opinion that the inhabitants consider their private rights and property to be secured against infringement, because the system introduced for the collection of the revenues, militates against both; and as there is no intermediate power allowed to check and controul the degree of error or deficiency on either side with promptness and effect. If an individual can be imprisoned and deprived of his estate, and is afterwards to seek redress through the process of a suit in the Adawlut, supposing the whole or any part to have originated in injustice, no satisfaction can be adequate and complete: this is at present the case. It were desirable that such an authority should be established as to serve as a medium to hinder or put a stop to the evil, before it should rise to so great a height on the one hand, or to the risk of injury of the revenue on the other.

17. The population of the district may be considered to be progressively increasing, because of the numerous progeny observable in every family, and from the general healthiness of the climate. It is known however that many individuals emigrate annually, in order to obtain the means of a livelihood, which our own provinces are found not to afford them. This is a subject of general complaint among the natives: they allege, that in former governments, the number of troops entertained, and the numerous servants required for state and to conduct the business of the collections, afforded means of employment, by which persons of all descriptions might derive a livelihood. That in addition to the military and civil offices, individuals formerly existed who retained many dependants and followers; at present this description of healthy men, is seldom to be met with, and the troops and offices of Government are circumscribed upon the smallest scale; that arts and manufactures, by which industry might be enabled to find subsistence, are in no demand.

Notwithstanding the above, it must be allowed improvements are gradually advancing. The estimation in which property is held, occasions it to be more highly prized, and the more this opinion can be established, the greater incentive it will prove to industry. The situations of the lower classes of natives do not appear so wretched and disconsolate as might have been observable some years ago; and as justice may be more strictly enforced, men will be disinclined to follow criminal pursuits. Want and indigence are the general excuse at present; but where a livelihood can be honestly obtained by exertions, the inhabitants of India will prefer to labour, rather than run the risk of punishments.

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In regard to the cultivation, almost the whole of the lands is in a productive state; very little remains waste. The buildings, or other works of architecture, I have not remarked to be improving. The villages in the district wear the same appearance as formerly, without in the least their convenience, cleanliness, or neatness, being consulted. The house of the zemindar and the meanest ryots bears no outward distinction; this similarity may arise in a great measure from the rule of inheritance which pervades all classes, and is nearly the same with the Mussulman as the Hindoo. Property being universally liable to be divided and separated, must reduce all to the same level in the end, whether originally consisting of much or little, with the difference, since the institution of the Courts, that its progress to the lowest degree will be more regular and speedy; as, while any thing is left, it must afford a constant source of jealousy, enmity, and dispute. It is to be lamented that between families such a foundation for disagreement should be allowed. Applications have been made to me frequently, that, as particular brothers had joined with their father to the exclusion of the rest, a division might be obtained of the patrimony during their father's life, to prevent its being wasted or misapplied, as well as that those excluded by this partiality might derive an equal subsistence with the others. To this cause also may be attributed why assassination and other heinous crimes are common in this country. The people being degraded, in many instances, to the lowest stage of want, must render their minds capable of encountering every species of enormous offence, while the continuance of any property in families, as each branch deems itself entitled to an equal share, must take off from their exertion and industry in other points, which might be more beneficial to them, as well as productive to the state.

18. The inhabitants must be generally satisfied, on comparing their former situations to what they enjoy at present; and also in viewing the surrounding countries, where no care and attention are bestowed in preventing injustice.

19. I am not of opinion that the present system of Police is well calculated to ensure the apprehension of offenders, because incursions are made by banditti without an instance scarcely occurring of their being opposed or intercepted; and as murders are often committed without their being traced, and frequently without its being possible to ascertain who were the sufferers. These defects I attribute to the divided state of the Police, and to the tahsildars receiving a fixed contract price for the duty, whether well or ill performed. They are allowed at the rate of five per cent. on the amount of the revenue, which would be an ample compensation for keeping of sufficient establishments; but as no specific conditions are annexed to their not retaining any, it must rest more on their honour and good faith to retain what is necessary, than on any occasion in the power of the Magistrate to exert.

A good system of police may be considered to combine considerable advantages to Government and the inhabitants, and are of such various extent, and interests appear to require an exclusive establishment. It should form a medium for obtaining every information necessary in respect to the country and inhabitants, and it should be equal to the suppression of every crime, whether directed against the state or against individuals. It ought not therefore to be attached to any other duty, particularly that of realizing the revenue, as forming in itself objects of the highest consequence, and as the revenue must be of equal consideration, the power and authority requisite for both, has been in general found more than the abilities or forbearance of one man could combine. This may have been a motive for the separation, and being appropriated to distinct European officers in Bengal and Bahar, in addition to the urgent reasons assigned for it, in the Preamble to Regulation II. of 1793; the principal omission since, in that part of the country, has been, that the establishmens have not been sufficiently matured and perfected. Means have been wanted to answer the expense, and they have not been extended to include all the assistance and information necessary. In lieu of the zemindars, who formerly were bound to afford their aid, no officers were appointed to conduct the duties occurring in the interior towns and villages at a distance from the tannah stations. The goorhites or pausbauns were nominally counted upon for this purpose, but as they were not paid any recompense, nor were there any institutions for their maintenance, it may be readily supposed this part of the duty must have remained defective. At the same time it must be allowed, without minute information and efficient officers to perform what is requisite, in respect to the police in every town and village, no system can be deemed complete.

On the present occasion it may not be improper to detail a few of the principal outrages passing before me, without its being in my power as Magistrate to afford relief. During the prevalence of the rebel Suttanut Sing, I witnessed his frequently passing through the district with numerous armed followers, and committing every species of criminality. Our troops were employed against him to the number of twelve hundred, but notwithstanding, he appeared with impunity wherever his inclination led him. Once the town of Zafferabad, estimated to contain about twenty thousand inhabitants, within four miles of my residence, was attacked in open day, several lives lost, and a mohajin's house plundered, and his son taken off in bondage, in order to exact a ransom for his release. Another time, when some of his adherents had been apprehended, a numerous party attacked the jail in order to release them; they were however fortunately beaten off with only the loss of one of the sebundies, and of four others who were wounded. At length, when by the greatest exertions an occasion offered, the principal was cut off with several of his men; but during the whole of his rebellion, a space of about six years, the police was unable to interfere with effect, aided by such a powerful military force. The same species of open warfare has also been

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continued since in a less degree by Hunuman Bux, the brother of Sultanut Sing; and until a different system of police be introduced, the borders of our provinces, it may be inferred, must be ever liable to similar outrages. I shall here beg leave to notice the disturbance committed at Benares by Vizier Ally, in which, it appeared afterwards, several persons had been concerned in advancing money in this and the neighbouring districts, and having followers to assist on the occasion. It is scarcely credible such a design should be attempted and executed without the European officers receiving timely information to intefere in preventing it. On the 7th of this month, also, at Budlapore, a party of banditti at night attacked that place, killed one man, and wounded twelve others; and on the 9th, in one of the serries, in the midst of the city of Juanpore, banditti made an attack, killed one, and wounded nineteen, and carried off treasure, with which the sufferers were entrusted, to the amount of about seventeen thousand rupees; three of the persons wounded have died on the first and second day after the outrage; and four others, if they should recover, must be maimed and helpless for the remainder of their lives. In neither of these instances has it been possible to trace who the banditti were.

I adduce these proofs in justification of my opinion of the insufficiency of the present system of Police, for however in comparison of what may have been introduced in Bengal and Bahar, it may be supposed in this part of the country to bear the preference, neither can be concluded to be perfect; and it may be required for improvements to be introduced in one as well as that the other should be entirely annulled. In other parts of the provinces perhaps the same enormities do not exist, because equal advantages cannot be taken; but to form a judgment of an evil, the worst should be included in computation, equally with what may be least felt, and from the whole we may draw a conclusion as to what may occur, should ever our power be on the decline, instead of being on the contrary, as at present;—would it not be right therefore, through the means of an efficient Police, that the European security should have something more to depend upon than the disaffected natives, wanting means only to resist us; and what use can be made of the attachment of those who may be well inclined towards us, unless we are able at all times to ascertain them, and to distinguish the one from the other? Certainly this can never be expected as long as the chief executive authority of this Government is entrusted in the hands of a native collector. To state more explicitly my objections against this system being continued, they are, that the revenue, from its superior consideration, must ever engage their time and attention more particularly than can be consistent with the due performance of the duties of the Police. That the nomination and removal of the subordinate officers, should be vested in the European superintending officer, without which, his power of controul and encouragement must be inadequate to insure their necessary attention. That the authority of Revenue Collector and chief Police Officer devolving to an individual native, is improper, whether considered with respect to the welfare of the present Government, or to the security of the native inhabitants, as, in men of their general character, such authority is likely to be applied more to their own benefit than to promote the public good.

20. Do. - - Do. - - Do.

21. The number of crimes has diminished considerably since the institution of the present Courts in 1795. I attribute the diminution to the punishment which criminals meet with when they can be apprehended, serving as an example to deter others from following the same pursuits.

22. The principal crimes prevalent in this district are committed by banditti, who plunder and murder the inhabitants. Some they seize and convey to the jungles bordering on the Nawab Vizier's provinces, where they inflict pains and tortures on them, until, through the means of their families, they are enabled to extort an adequate ransom for their release. The next degree may be considered the murders and frays arising from family disputes, and the rights of partners in estates. A few for insidious murders, where persons disguising themselves, enter into company with one or more travellers, and finding an opportunity, administer duttora, a species of vegetable poison, in their food, by which they are almost immediately rendered senseless, and the perpetrators are enabled with little danger to pillage the sufferers. If remedies can be applied before the effects of the poison are far advanced, the patient is sometimes recovered.

Assassination is a crime not unfrequent, in which the victim is cut off laying asleep in his house or watching his fields. It is distinguished under this head when it does not appear to have been committed in quest of plunder, and may be attributed to violent enmity, and disputes between partners in estates.

The crime of dherna used formerly to be prevalent, but has of late been suppressed in a great degree: I only recollect one instance within the last six months in which a bramin destroyed himself, and his body was buried by a relation at the door of a zemindar of his village, on a dispute regarding the proportion of tythes bramins fees, to which his branch of the family deemed themselves entitled. The body being buried at the door of the zemindar, arose from his having paid a marriage fee to the opposite party.

Suicide is a crime frequently committed. I imagine four or five persons destroy themselves in this district, on an average, every month. I have endeavoured to suppress this criminal disposition of the inhabitants, by directing the bodies of such who make away with themselves to be buried in the highway, or thrown into the rivers, without the funeral ceremonies being observed which are usual in cases of natural death.

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Stealing children is sometimes committed, in order to sell them as slaves, or to monasteries of Oditeets, and different sects of Hindoo devotees.

The means which appear likely to put a stop to the foregoing detail of crimes are an efficient and well-connected police; and that enquiries should be made into the state of property, so as to enable Rules to be formed to prevent its being a source of violence and contention, without its becoming dangerous to the state by the accumulation of it, in any considerable degree, in the hands of particular individuals.

23. The inhabitants in general keep arms, and go armed whenever they leave their own houses; a native is scarcely ever seen without a dagger or sword and shield: they retain also fire-arms; they keep them for their defence against ill-disposed persons, as well of such as are instigated by private malevolence and enmity as against general marauders and banditti.

24. There are numerous mud forts in the district, but none of masonry, except the Juanpore fort, which is built of stone; a few only are kept in a state of defence.

25. To enable my computing the inhabitants as near as possible, I have divided the city of Juanpore and the larger towns separately, and have estimated the probable number in each; I have then taken the towns of each pergunnah of the next degree, and of the lowest village, and adding what I compute the number, I have taken the average of both for the remaining towns and villages, which, added with the number in the city and principal town of each pergunnah, make three million one hundred and seventy-one thousand and seven hundred persons. The proportion of the Hindoos to the Mussulman inhabitants I reckon nearly as eight to one.

26. There are no men in this district of any high rank and property, excepting the tahsildars; of these, Rajah Sheolol Bahadur and Babbo Deokynundun are the principal: they are usually attended by about five-and-twenty or thirty men, variously armed; the followers they maintain depend upon the extent of their revenue collections; they are supposed to possess property to the amount of about three lacks of rupees each. Of the other inhabitants, some of the Jaggueerdars residing in the pergunnah of Juanpore are said to be the most opulent; of these, Syud Amyad Ally, Ashruff Hossein, and Bahadur Ally Khan, are of the highest rank: their income is estimated at seven or eight thousand rupees a year, and the number of their followers is computed at 30 men. The remaining classes of natives may be deemed, a few, the highest among them, to be possessed of property to the amount of 40,000 rupees, others of 15 or 20,000 rupees, and most of the zemindars are allowed of superior consideration who derive four or five thousand rupees profit annually from their estates; most commonly the income of a zemindar does not exceed five hundred rupees a year. Sook Sol, the former dewan of Rajah Aditnaran, is considered a man of property; he pays thirty thousand rupees annual revenue to Government, and is supposed worth property to the amount of two or three lacks of rupees.

27. There is no person in this district disaffected to the British Government, to the best of my information.

28. The superior offices of Government being held by Europeans, and the natives of this district generally possessed but of little property, there are none of that description upon whom honours would be suited with their situation.

29. The roads in this district are in good repair. The zemindars are at the expense of making them through their respective estates. It were to be desired, as the whole of the country must in some measure derive the benefit of their use, that the expense might be assigned equally upon the rest, as well as those through whose lands the roads are conveyed; the remaining public works consist of three stone bridges leading across the Geompty and Sye; a large stone-built musjud situated in Juanpore; and several serries built some of brick and others of mud. The expense of keeping these in repair is mostly neglected. Government have been pleased to order a small sum lately, for the repair of two of the arches of the Juanpore bridge, which were in danger of falling, but it is to be regretted the necessary expense for repairing the whole well and effectually cannot be contributed; the bridges from their use and long standing, would be felt the loss of extremely, were any accident to happen to render them impassable, and which, without their being thoroughly repaired, they must be in constant danger of at present.

30. The convicts are employed in repairing the roads around Juanpore, and in repairing and digging ancient tanks in the dry season near their place of confinement. There appears to me no other manner preferable in which they could be employed.

31. The Jails for the criminals and persons committed for trial before the Court of Circuit, were erected by Colonel Garstin; originally there were two built, and one was appropriated to the debtors, but within the last two years, owing to the increase of the criminals, both jails have been appropriated exclusively to them, and the debtors have been accommodated in the fort, but the place is ill calculated for the purpose, as has been frequently represented as being so by the Court of Circuit. Orders were at one time issued for plans to be formed, and an estimate of the expense to be submitted for erecting either a sufficient jail for containing the whole of the convicts together, or one to be appropriated to the debtors: this has been done by Colonel Humphrey, but the final directions for his proposal being carried into execution have not yet passed.

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32. The zemindars and farmers I am not of opinion are well calculated to act as Justices of the Peace; they are a race of people generally ignorant and unprincipled, and until their minds are better cultivated than at present, by the well administration of good laws, I deem them unfit to be entrusted with the smallest power and responsibility in the administration of justice.

Persons of information and abilities, whose livelihood and character should depend on their own conduct, appear to me the most proper at present to be selected for filling the offices required in the interior part of the country. Efficient power should be given to the superintending European officer to remove, controul and encourage them, subject to appeal to the higher Courts; but in the state in which the Police is now conducted, I find it totally impracticable to assign the necessary offices which would correspond and coalesce with it.

33. I am not prepared to state any new Rules, which might tend to the suppression of crimes in general.

34. The operation of the last Regulation, respecting the tax on spirituous liquors, appears to me to have been attended with the most beneficial effects; drunkenness is by no means so prevalent as it was previously.

35. No new measures are likely, in my opinion, to improve the morals of the inhabitants. The just administration of the laws already instituted, and the introduction of a well connected efficient Police, are all I imagine that can be necessary.

36. No instance has occurred in this district of the crime of perjury being proved, to admit of the punishment instituted, being inflicted: a penal law of this kind must be attended with the desired effect, in deterring the commission of the crime against which it is directed. It might be preferred however, that the punishment of transportation for seven or fourteen years, should be inflicted instead of it, as an indelible mark may be of injurious effect afterwards in preventing the delinquent from being able to obtain a livelihood.

37. Transportation, in this part of the country, is more dreaded than death. Its effects therefore must be corresponding to that, in deterring the commission of crimes.

38. The Mahomedan laws, I am not of opinion are administered with too much severity, and as far as they are carried, the consequences produced, are highly beneficial in tending to the suppression of crimes.

39. The conduct of Europeans in this district, is mostly applied to the manufacture of indigo, and to concerns in the traffic of cloths. The increase of the circulation of money in consequence, is of considerable benefit, but scarcely one among them has been successful in his speculations, and some appear to be suffering under some privations and distresses.

40. From the time of the institution of the Courts, I do not recollect a single prosecution having been instituted on account of disagreement between the weavers and their employers.

I have the honour to be, Sir,
Your most obedient servant,
A. Willaud, Judge and Mag^e.

Zillah Juanpore,
the 17th December 1801.

To N. B. EDMONSTONE, Esq. Secretary to the Government.

Sir,

Agreeably to the Orders I have this day received from the Honourable the Vice President in Council, I beg leave to submit to His Excellency the Most Noble the Governor General, a copy of my Reply to the Queries which accompanied your Letter of the 21st of October last.

I have the honour to be, Sir,
Your most obedient servant,
R^t Ahmutz, A. J. & M.

Zillah Mirzapore,
9th December 1801.

To GEORGE DOWDESWELL, Esquire, Secretary to the Government, in the Judicial Department, Fort William.

Sir,

1st. I have to acknowledge the receipt of Mr. Secretary Edmonstone's letter, under date the 21st ultimo, and agreeably to his directions, I beg leave to submit to you the following information upon the different points of reference required by his Excellency the most noble the Governor General in Council.

2d. In reply to the 1st, 2d, 3d, and 4th Queries, you will be pleased to report to the honourable the Vice President in Council, that the causes now depending before the Judge, are 258; before the Register, 230; and before the Native Commissioners, 1,215. This number exceeds that of causes usually depending before the several tribunals, since the constitution of the Adawlut in 1795, in the proportion of one-fourth before the Judge and Register, and nearly

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nearly double before the Native Commissioners. The increase is partly owing to the annexations to the zillah from Ghazeepore, and partly to the greater quantity of business being brought into the Court the present year. I conceive that nearly two hundred causes must be necessarily depending before the Judge, in the several stages of proceedings; as many before the Register, and one thousand before the Commissioners. The causes decided in the present year amount to 357 by the Judge, 261 by the Register, and 3,228 by the Commissioners.

3d. On the subject of the 5th Question, I beg leave to observe, that the trial of causes might be expedited by a modification of the present rules regarding pleadings. It is usual to draw the original plaint in a concise form, and this is doubtless convenient, because many causes are adjusted by razunamah without trial. But if the defendant stands suit, he is called upon, under the present Regulations, for his answer, before the plaintiff has stated the particulars of his claim. These are afterwards stated by the plaintiff in the replications, and the defendant is then precluded from entering at large into his defence in the rejoinder. The plaint, as the ground of the original writ, should be simple; but when the defendant has entered an appearance, the plaintiff should immediately file a declaration, setting forth the matter of his complaint at full length, and to this the defendant should make answer. It would seldom become necessary to reply or rejoin, and causes might consequently be in general heard much sooner than they now are.

4th. I do not conceive that the early decision of suits would be promoted by authorizing the tribunals to omit the depositions of witnesses in causes not appealable; the notes of the evidence which must in that case be taken, would require nearly as much time as the writing of the evidence exactly as it is delivered, and would be less certain and accurate.

5th.—6. I apprehend that the jurisdiction of the Native Commissioners cannot be safely extended beyond the present limitation of 50 rupees, but that of the Register might with much propriety be extended to 300 rupees, for the town of Mirzapore, which is a good mart of commerce, produces many suits of little moment to the parties, where the sum exceeds 200 rupees and falls short of 300 rupees.

6th.—7. Litigation is certainly checked by the fees now payable on suits, and by the stamp duties, and the several charges do not appear too considerable, where litigiousness and injustice can be imputed to the party in the cause; but in those cases, either intricate or uncertain, where each party not unreasonably thought right be on his side, a remission of fees paid to Government, on the institution of the suit, and on the exhibits, might be allowed at the discretion of the Court.

So in the original.

7th.—8, 9, and 10. The fees allowed to licensed vakeels do constitute a sufficient inducement for men of character and qualifications to undertake those situations; and among those attached to the Court at Mirzapore, there are persons of this description, who are also in general well acquainted with the printed Regulations: they seem in general to discharge their duty honestly towards their clients; and the establishment of licensed vakeels has unquestionably contributed to expedite the trials.

8th.—11. With the exception of pundits among the Hindoos and Cauzees, and moolavees among the Mahomedans, people of all ranks appear to be very little acquainted with the laws of the country.

9th.—On the subject of the 12th Quere, I beg leave to refer you to my Answer to the 5th.

10th.—13. The Court-room at Mirzapore is railed off in three unequal divisions; the first, comprehending one-third of the room, is allotted for the bench of the Judge, and the public officers; the second, a small space in the centre, is appropriated for the vakeels, and parties whose suits are called on for trial; and one-half of the court is left for spectators, and all other persons who attend the Court. The witnesses remain in the verandahs of the Court-house till called for examination. A separate room is allotted for the Register's Court; and apartments, communicating with those in which the records are deposited, are appropriated for the officers of the Court, occupied in transcribing papers, recording them, &c. With respect to the forms observed in opening the Court, and sitting in it, I beg leave to report that a list of causes prepared for trial is read, and silence commanded to be observed; the Judge sits at the head of a long table, and the officers of the Court are ranged on each side of it.

11th.—14. I am sorry to observe that there are no schools or seminaries of any denomination within this district, in which the Mahomedan or Hindoo law is taught.

12th.—15. The inhabitants of Zillah Mirzapore do not seem to differ much in their general character from those of other districts in these provinces; however, they are more prone to violence than the inhabitants of Bengal, and less disposed to vice. The system established by the British Government checks violence, and consequently tends to the general improvement of the moral character of the people.

13th.—16. The inhabitants cannot be insensible to the efficacy of the present Laws and Regulations for the security of their private rights and property against infringement.

14th.—17. The district of Mirzapore appears to me to be in a state of general improvement with respect to all the points specified in this quere; the flourishing commerce and thriving cultivation of the zillah are matters of notoriety, and indicate increase of population;

No. 1.

Answers by the JUDGES.

Benares Division.

Zillah Mirzapore. 9 Dec. 1801.

lation; emigrations from the bordering countries, of which the governments are in an unsettled state, add to the population of the district; the increase of buildings is conspicuous; the town of Mirzapore, especially, is so much increasing, that upon a representation which I submitted on the part of the inhabitants, Government has been pleased to grant a considerable portion of land for the purpose of enlarging the town.

15th.—18. The inhabitants in general appear satisfied with the British Government, enjoying under its protection the free exercise of their religion, and full security of their persons and property.

16th.—19 and 20. So far as respects the town of Mirzapore, the present system of police insures the apprehension of offenders, and the establishment for it is adequate; but the police of the country, committed to the charge of tahsildars, is not effectual for the apprehension of criminals, although that part of the tahsildars and huzzoory malguzars commission, which is intended for the police, seems more than adequate to defray very sufficient establishments, yet the tahsildars do not commonly reside within their jurisdictions, nor entertain proper persons, nor the maintenance of a true police, at the same time that their own attention, and that of the naibs deputed by them into the pergunnahs, is wholly ingrossed by the business of their collections.

17th.—21. The calendars of the half yearly circuits exhibit more trials of criminal cases in the last years than immediately after the institution of the present courts; it does not, however, appear certain that crimes are now more frequent than heretofore; but prosecutors more generally resort to the Magistrate, and for this reason fewer crimes remain unknown and unpunished.

18th.—22. Thefts and robberies are the most frequent offences in the district of Mirzapore, as also affrays and other violences, or raising of disputes concerning boundaries; but it may be hoped that violences will be checked by the gradual effect of strict administration of the criminal law, the especially if this be assisted by an efficient and vigilant police in the pergunnahs: the thisildars should be prohibited from any interference in the police, and an effectual establishment should be retained by the Magistrates, which may be accomplished at less expense than at present allowed to tahsildars; it would also contribute greatly to prevent robberies, and assist the suppression of them, if severe punishment was inflicted on the receivers of stolen goods.

19th.—23. The inhabitants of this district very generally keep swords and shields in their possession, and these arms are for the most part retained for the sake of defence against robbers.

20th.—24. There are several forts built of masonry, and the remains of many mud forts in the district. Bejeygurh is a very strong fortress, and in tolerable condition; Agowin is far less considerable, and is in a state of decay; Chettsgurh, Bejeypore, and Seromjah, are in a ruinous state; the rest are of little note, and almost wholly decayed.

21st.—25. I have no sufficient grounds for estimating the population of the district, nor the proportion of the Hindoo to Mahomedan inhabitants; but I apprehend that the Hindoos are at least ten times more numerous in cities than Mahomedans, and twenty times so in the country; that the part of this district, which is not mountainous, seems well peopled, but the hilly portion of it is in general thinly inhabited. If I might offer a conjecture where the grounds of an estimate were only wanted, I should state the population of the whole district as amounting to nine hundred thousand souls. The number of inhabitants in the town of Mirzapore, as incurred from the number of houses comprized in the different wards, is not less than 50,000: there are many smaller towns in the district, containing from five to ten thousand inhabitants; and populous villages, containing from five hundred to a thousand persons, numerous.

22d.—26. The persons of the highest rank in the district are,—Rajah Ram Golloun Sing, of Sceanebe in pergunnah Runtit, Rajah Run Behedrom Agowne, and Rajah Bhugut Sing, of Chousch; persons of opulence, are merchants settled in the town of Mirzapore; none maintain any considerable number of followers in their service; and the rajahs above mentioned appear abroad with no more than ten or twenty attendants, armed for the purpose of show only.

23d.—27. No person in the district of Mirzapore are known or suspected to be disaffected to the British Government.

24th.—28. The measures stated in this quere would certainly contribute to strengthen the attachment of such among the Natives as might be honoured with marks of distinction by the British Government, or might hope to attain them.

25th.—29. There are no bridges of note in Zillah Mirzapore, nor any public works of magnitude. The roads are in a very bad state throughout the district. The zemindars are bound by their engagements with Government to repair the roads; but they perform their duty in so careless and insufficient a manner, that the roads are only passable for beasts of burthen, and never for carriages, in the best season.

26th.—30. The convicts are employed in repairing the roads in the vicinity of the town of Mirzapore; or when the season does not permit this employment, in beating svorkey: as a species of labour which they much dislike, it answers well for the purpose of a sentence for hard labour. I am not prepared to propose a practicable scheme for employing convicts in a mode adapted to form them in the habits of industry.

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27th.—31. There are two commodious jails belonging to the adawlut Mirzapore, for the separate confinement of debtors and criminals, with apartments separating prisoners of different sexes and under different sentences.

28th.—32. The zemindars and farmers are responsible for our losses which occur by theft or robbery within their own estates, and the tehsildars are entrusted with the charge of the police, for the expense of which a commission on the revenues is allowed by Government. I apprehend the jurisdiction of the zemindars could not be safely extended beyond the limits of their own estates, nor the power of the Justice of the Peace be advantageously entrusted to persons not possessing landed property, nor receiving salary like the officers of the police.

29th.—33. The situation of an establishment under the darogahs for the police of all towns and villages, and of a superintendant of a tottiwall to a certain number of wards, comprised in one or more pergunnahs, according to their size, might with much benefit be substituted in lieu of the present system of tehsilderry jurisdiction. In cases of robberies and thefts, the tehsilders are responsible in the first instance, but the Regulations direct that they shall have recourse for their indemnification to the landholders or farmers within whose limits the loss has occurred. The tehsilders seldom retain sufficient establishment, and for this omission the zemindars and farmers frequently suffer. Should Government be pleased to authorize a police establishment immediately under the superintendence of the Magistrates, unconnected with the native collections of revenue, I am of opinion it would contribute much to the suppression of crimes; and proper assistance and protection will be afforded to the landholders and farmers, who will still retain their responsibility by their engagements.

30th.—34. The price of spirituous liquors is considerably increased, by the addition of taxes levied under Regulation VI, 1800, in which the lower classes of people cannot afford to indulge themselves to the extent they have been hitherto accustomed; consequently the vice of drunkenness has become less prevalent than previous to the promulgation of that Regulation.

31st.—35. I am not at present prepared to reply to this quere.

32d.—36 and 17. With respect to the punishments alluded to in these queries, I am firmly of opinion that the mark on the forehead for perjury has been always considered a severe punishment; and almost in all instances, criminals appear to prefer capital punishment to the severity they apprehend from transportation: the operation of this law most undoubtedly contributes towards the suppression of crimes.

33d.—38. From the lenity observed in the administration of the Mahomedan law, public justice was greatly obstructed, as well from the influence admitted in cases of murder to the heirs of the slain, as from the several exemptions from the infliction of capital punishment in cases of wilful murder: therefore essential benefits have evidently arisen from the modifications adopted by Government. However, I am of opinion that severer punishment should be inflicted on persons assisting in decoity or gang-robbery, and on all accessaries in murders; and that the complicated or rather positive evidence required in proof of the crimes of adultery, should be simplified, and the legal obstructions removed.

34th.—39. No complaint of a violent tendency has ever been brought forward against any of the Europeans who reside in this district, out of the service; and they have on all occasions conducted themselves with perfect humility, and the utmost deference to the Rules and Orders of Government.

35th.—40. There are no considerable cloth manufacturers in the district under my charge; the weavers scattered among the different villages only manufacture the coarser and narrow cloths used by the poorer class of natives. The weavers purchase small quantities of cotton at the markets in towns and villages, their family spin it; and when the cloth is manufactured, they dispose of it within their immediate vicinities, for ready money. The weavers in general cultivate a begah or two of land, and upon the whole appear perfectly contented with their circumstances.

I have the honor to be, Sir,
Your most obedient servant,
R^d Almuty, A. J. & M.

Zillah Mirzapore,
21st November 1801.

(A true Copy.)
R^d Almuty, A. J. & M.

No. 1.—Part 2.

ANSWERS OF THE COLLECTORS

To certain Interrogatories on the State of the Country,
In 1801 and 1802.

Zillah Beerbhoom	*W. Cowell*	10 April	1802.
Zillah Behar	*R. Graham*	17 February	1802.
Benares	*J. Routledge*	2 December	1802.
Bhaugulpore	*Jos. Sherburne*	4 January	1802.
Burdwan	*W. Parker*	8 June	1802.
Zillah Chittagong	*R. Ker*	17 March	1802.
Dacca	*H. H. Massie*	8 June	1802.
Dinagepore	*G. Smith*	12 December	1801.
Zillah Jessore	*W. Parker*	9 January	1802.
Midnapore	*J. H. Ernest*	24 February	1802.
Mymunsing	*Francis Le Gros*	29 January	1802.
Zillah Moorshedabad	*Thomas Hayes*	11 February	1802.
Kishnaghur	*A. Seton*	16 January	1802.
Twenty-four Pergunnahs	*Frederick Fitzroy*	1 May	1802.
Zillah Purnea	*W. E. Rees*	27 April	1802.
Zillah Rajshahy	*And^w Gardiner*	26 December	1801.
Rungpore	*Alex. Wright*	6 January	1802.
Shahabad	*J. Deare*	20 November	1801.
Zillah Sarun	*J. R. Elphinstone*	30 December	1801.
Sythet	*John Ahmuty*	19 December	1801.
Zillah Tipperah	*John Ryley*	20 April	1802.
Zillah Tirhoot	*G. P. Ricketts*	12 February	1802.

(Zillah Beerbhoom.)

TO GEORGE DOWDESWELL, ESQ.

Secretary to the Government in the Revenue Department, Fort William.

SIR,

I HAVE the honour to reply to the Interrogatories transmitted to me by order of the Honourable the Vice President in Council, in your Letter of the 29th October last.

1.—Are the crops of the present year expected to be productive?

The paddy is excellent, kaupass or cotton promising, sugar a very good crop, and are all expected to be productive.

2.—What is the amount of the balances outstanding in your district on account of the past year; and what is the state of the collections for the present year?

Balance outstanding of the revenues of the Bengal year 1207	S.R^s	23,354.	13.	7.	1.
Instalments demandable for the current year to the 10th April,	S.R^s	7,64,701.	15.	3.	2.
Realized	S.R^s	7,13,269.	0.	12.	1.
Balance	S.R^s	51,432.	14.	11.	1.

3.—What is the amount of the jumma of the lands which have been or are expected to be sold in your district, for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

Jummah of the lands sold	S.R^s	1,03,424.	8.	15	3.
Expected to be sold	None.				

The lands, in general, have sold favourably, with some exceptions; but which I attributed to their not having been kept in so high and regular a state of cultivation as the other lands, and to the mismanagement of the proprietors.

No. 1.—part 2.

Answers by the COLLECTORS.

Zillah Beerbhoom, 10 April 1802.

4.—Are the existing Regulations for collecting the revenue of Government from the zemindars and other proprietors of lands, with whom a permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without at the same time affecting the security or value of landed property?

The existing Regulations for collecting the revenue of Government from the zemindars and other proprietors of land, with whom a permanent settlement has been concluded, are exceedingly well calculated to secure the punctual collection of the public revenue. The lands of the proprietors being liable to sale for arrears of revenue, certainly tends to affect the security and value of landed property; though not so much as previous to the promulgation of the 7th Regulation of 1799, when the lands were liable to be sold for the deficiency in any one month's instalment.

5.—Are the existing Regulations for collecting the revenue of Government, from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

In my opinion, the Regulations for collecting the revenue of Government from persons holding lands in farm immediately of Government, are unquestionably well calculated to secure the punctual collections of the public revenue from the farmers.

6.—Are the existing Regulations for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers, and from their ryots, well calculated for the purposes intended, without, at the same time, affording to the proprietors and farmers of land, the means of oppressing their under farmers and ryots?

The existing Regulations, in my opinion, are most favourable for realizing the rents from the under farmers and ryots; and, in general, are acknowledged to be, by the zemindars and other descriptions of landholders, well calculated for the purposes intended; but I do not think any Regulation could be framed so as entirely to prevent the under farmers and ryots being oppressed by the proprietors and farmers of land and their ghomastas, and persons employed by them in the collection of the Mofussil rents, if so inclined.

7.—When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

I was appointed Collector of this district on the 16th March 1801. The cultivation, since the first year of the Decennial Settlement, I am informed, has been considerably extended and improved, but in what degree I cannot at present say. The proportion of uncultivated land in this district to the cultivated, is supposed to be about one-half to eight.

8.—Do the proprietors of estates, in general, derive a profit exceeding the 10 per cent. on the jumma; the profit estimated to be left to them on the conclusion of the Decennial Settlement?

I have reason to believe that the proprietors of estates derive a profit exceeding the 10 per cent. relinquished to them on the jumma, at the conclusion of the Decennial Settlement, excepting in some instances, where, owing to the bad management of the proprietors, the lands have gone to ruin.

9.—What is the present state of the embankments in your district?

There are no Government embankments in this district; those in the estates of individuals are, I am informed, in a good state of repair. Orders, however, have been issued to the landholders to cause the necessary repairs in their respective estates immediately to be made; and, in the event of their not complying with such requisition, I have been instructed to furnish estimates of the expenses required for that purpose, which will be charged to their account.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

The proprietors of land, in general, do not sufficiently attend to the permanent improvement of their estates, by the making of new embankments, digging of tanks, and establishing such works as are calculated to increase the produce of their lands; but those already made are repaired by the landholders, as occasion may require.

11.—Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land in general previously to the conclusion of that settlement; and are the situations and conditions of the ryots, or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

The Regulations of Government have compelled the proprietors of land to conduct themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the conclusion of the permanent settlement, than was observed by them previous thereto; and, in my opinion, the situation and condition of the ryots or immediate cultivators of the soil are, in every respect, as comfortable as laws can render them.

12.—What

12.—What is the state of the roads in your district? Are there any parts of the district, the making of roads through which would be particularly beneficial to the country, and what would be the expense attending the work?

Excepting a part of the new road to Chunar, which is kept in good repair by Government, I know of no regular road through this district. The Magistrate of Beerbhoom has been employing the convicts in making a road from Soory towards Cutwah, as far as Soorool, which is finished. The parts of this district through which it would appear essentially requisite to make roads, for the purpose of facilitating the imports and exports of the district, (which are much impeded from the want of roads) are from Soory to Cutwah, and through that part of the district lying between Soory and Moorshedabad. The former might be more speedily executed by carrying on the road now made, as, in travelling from Soory to Cutwah, the passing through Soorool would be but a trifling addition to the distance. The expense of labourers for making these roads would be not less than 100 rupees per mile.

13.—What is the estimated number of the inhabitants of your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

The number of the inhabitants of this district, reckoning men, women and children, is estimated at 700,000. The proportion the Mahomedans bear to the Hindoos, is supposed to be about one to thirty.

14.—What are the most valuable articles of produce in your district, and has the cultivation of them particularly increased of late years; what is supposed to be the cause of that increase?

Paddy and sugar are the most valuable articles in this district. The cultivation of the latter has considerably increased, in consequence of the investment provided on account of Government.

15.—Are the stamp duties becoming more productive; and what sum do you expect those duties will produce in your district, in the present year?

The stamp duties in this district are becoming more productive, and I expect that they will produce in the present year about S.R. 5,000.

16.—Are the abkarry collections increasing or decreasing?

The abkarry collections of this district have been decreasing since the year 1205 B.S. in consequence of the rate of the stills having been raised from 3 annas to 6 annas per diem on puchye shrub, which occasioned many of the abkars, who had been accustomed to pay 3 annas, refuse to take out licences for the manufacture and sale of that liquor at the rate of 6 annas per diem. The measure that I would recommend to be adopted for increasing the abkarry collections in this district is, to grant licences, excepting in towns, at the former rate of 3 annas per day.

17.—Are there any articles in your district on which a productive tax might be levied, without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

A tax on the under-mentioned articles, and the rate specified, might in my opinion, be levied without operating as an oppression upon the people.

Tobacco, a duty of 3 annas per day, to be levied on each shop. Pawn, in towns, a duty of 3 annas, and in villages, one anna per day, to be levied on each shop. Beetle, in towns, a duty of 3 annas, and in villages, one anna per day, to be levied on each shop. Dhoonah, produced in this district, a duty of 4 annas per day, to be levied on each shop. Tusser, a duty of 3 annas per day, to be levied on each shop. Iron, produced in the district, a duty of 4 annas per day, to be levied from every manufacturer of that article; and on hutt, produced in this district, generally used by the natives in pawn and in dying of cloths, in towns, a duty of 3 annas, and in villages, 2 annas per day, on each vendor of that article.

18.—What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

The descriptions of rent-free lands in this district are, Bermotur, Dabootur, Khoosbosh, Baughaut, Peerotur, Khoyrat and Cheraghee. The proportion the produce of each begah of rent-free land bears to the jumma of each begah of the land which pays revenue to Government, I conceive to be rather more than 2 to 1.

19.—Which of these descriptions of lands are, in general, in the best state of cultivation; the rent-free lands, or the lands which pay a revenue to Government?

If the rent-free lands and the lands which pay revenue to Government are equally well situated, I imagine no difference will be found between them in the state of cultivation; but, in general, the lands exempted from the payment of revenue are reckoned to be the best cultivated.

20.—What descriptions of old rupees are current in your district?

For all purposes, excepting the payment of the public revenue, the old sicca and sonat rupees are in general circulation throughout this district. The old sicca bears but a slight proportion to the sonat in actual currency.

21.—What is the reason that these rupees continue in circulation, and how are they replaced as they become worn and diminished in value; the 19 sun sicca rupee being the only description of rupee struck in the provinces, and that being the rupee in which the public revenue ought to be paid?

No. 1.—part 2.

Answers by the COLLECTORS.

Zillah Beerbhoom, 10 April 1802.

The only ostensible reasons I can find for the continuance of the circulation of these rupees are, first, the convenience which the inhabitants derive from a continuation in circulation of rupees so long established current through this district; and secondly, that the old sicca and sonat rupees are unmixed and entirely free from alloy. In proportion as these rupees diminish in value, the deficiency in their weight is made up by a deduction of batta on them.

22.—What rules would you recommend to be adopted, for the purpose of introducing the 19 sun sicca rupee into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee?

The mode that appears to me best calculated for this purpose, is to receive at the public treasuries, for the space of three years, rupees of various sorts at the rate specified in the 14th Section of the 35th Regulation of 1793, which rupees should be regularly remitted to the mint to be recoined into rupees of the nineteenth sun; and after the expiration of that period, to expressly prohibit the recovery by law of any advance if made subsequent thereto, unless the rupee issued was proved to be the 19th sun milled rupee; and to which effect advertisements should be published throughout the different districts.

23.—Do gold mohurs circulate in your district; to what extent, and do they pass at par, that is, for the value of 16 sicca rupees, when tendered for the purchase of goods; in payment of private debts and public demands, it is, of course, received at the rate which the law requires?

The amount of gold in this district I should conceive to be about four lacs. The gold mohur always passes at full value in large purchases; but the amount in circulation constantly varies, according to the amount brought into the district for commerce.

24.—Has the establishment of the currency of the gold mohur in the interior of the country operated beneficially or otherwise?

The establishment of the currency of the gold mohur in the interior of the country has operated beneficially, as the easier conveyance enables the zemindars to pay the revenue at less expense of carriage and of risk in conveyance, from a large amount being easier hid in gold than silver.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands held exempt from the payment of revenue?

The register of intermediate mutations is prepared in English and Persian, in which all transfers of estates paying revenue to Government, from the year 1,207, B. S. have been entered. The register of lands held exempt from the payment of revenue closed on the 16th February 1802, and the Quinquennial Register of which shall be prepared, after finishing the register of intermediate mutations. The Quinquennial Register of lands paying revenue to Government to the year 1206, B. S. shall be begun, after finishing the annual accounts, &c. of this collectorship.

26.—What descriptions of persons are, in general, the purchasers of the lands disposed of by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

The greatest part of the purchasers of the lands disposed of at public sale, in this district, are persons who have held situations under the Rajahs of Beerbhoom, the rest are merchants and persons that have been in the service of the different zemindars; they are mostly Hindoos, and, except a very small portion, are inhabitants of Beerbhoom. The system of management of the present proprietors of lands in this district are, in my opinion, in every respect better calculated for the permanent improvement of their estates, than the system of management of the former proprietors.

27.—Are you of opinion that any of the proprietors of lands in your district would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma); and how many years purchase do you suppose the proprietors would offer for such remission?

I do not think any of the proprietors of lands, in this district, would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands, but on terms not advisable for Government to offer.

28.—What is your opinion as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question, (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

If it were affected, I should conceive, the lands so held would be rendered more on an equal footing with those rent-free, and that the landholders would consider their estates much more secure. The instalments being made easier, the proprietors would be able to expend larger sums in the improvement of their lands, without fear of not being ready at the day of payment, and of losing their estates; besides preventing the necessity of

that

that strictness at present observed by the zemindars, in regard to the payment of the rents, and thereby prevent desertion among their ryots.

I have the honour to be, Sir,
Your most obedient humble servant,
(Signed) *W. Cowell*,
Coll^r.

Zillah Beerbhoom,
the 10th April 1802.

(Zillah Behar.)

To N. B. EDMONSTONE, Esq.

Secretary to the Government in the Secret, Political, and Foreign Departments.

SIR,

IN obedience to the orders of the Honourable the Vice President in Council, communicated to me in a Letter from Mr. Secretary Dowdeswell, I have the honour to enclose a copy of my Replies to the Interrogatories transmitted by you to the late Collector, by the orders of the Most Noble the Governor General, which I have to request the favour of your laying before his Excellency.

I have the honour to be, Sir,
Your most obedient humble servant.
(Signed) *R. Graham*,
Act^g Coll^r.

Zillah Behar,
17th Feb. 1802.

The REPLIES of the Acting Collector of *Behar* to the Questions transmitted by the Orders of His Excellency the Most Noble the Governor General.

QUESTIONS.—1.—Are the crops of the present year expected to be productive?

ANSWERS.—The buddoye and kurreef crops of the present year, owing to the abundant fall of rain, have been more than usually productive; and the appearance of the rubbee crop promises a produce equally favourable. The two former harvests in *pergunnah Ghyaspore*, however, were almost totally destroyed by the inundation, which was this year unusually heavy.

2.—What is the amount of the balances in your district on account of the past year; and what is the state of your collections for the present year?

The balances of the past year 1208 Fussilly, in this district, amount to S.R^s 66,679. 5. 3. 3. and the amount outstanding on account of the present year 1209 Fussilly, is Sicca Rupees 89,903. 7. 61.

3.—What is the amount of the jumma of the lands which have been and are expected to be sold for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

The amount of the jumma of the lands sold for the balances of the past year, is, Sicca Rupees 11,037. 15. 15. and the jumma of those remaining to be sold on the same account, is, Sicca Rupees 22,972. 9. 2. The lands disposed of have, in general, sold very well, having, on an average, realized nearly treble the amount of their annual jumma. In instances where they have not been bid for, it is chiefly owing to their present unproductive state, or to *local circumstances*; such as their being subject, from the lowness of their situation, to casualties of season, as occur annually in Ghyaspore.

4.—Are the existing Regulations for collecting the revenue of Government, from the zemindars and other proprietors of lands, with whom a permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without at the same time affecting the security or value of landed property?

The existing Regulations are well calculated for collecting the public revenue, without affecting the value of landed property; but from the proneness I have experienced in the proprietors in general, of landed estates, to procrastinate the payment of the Government dues, I am of opinion that it would tend greatly to ensure punctuality, was the rule now in force in the district of Benares, which authorizes *personal restraint* to be extended to the Behar province.

5.—Are the existing Regulations for collecting the revenue of Government, from persons holding lands in farm immediately of Government, calculated to secure the punctual collections of the public revenue from the farmers?

I am not aware that any more effectual rules could be established for ensuring the punctual collections of the public revenue from the sudder farmers.

6.—Are the existing Regulations for enabling the zemindars and other proprietors of lands, and farmers of land, holding their farms immediately of Government, to realize their rents from their under farmers, and from their ryots, calculated

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for the purposes intended, without, at the same time, affording to the proprietors and farmers of land the means of oppressing their under farmers and ryots?

I am of opinion, that the existing Regulations vest sufficient authority in the proprietors and farmers of land paying revenue immediately to Government, for the realization of their rents. Such landholders, or their agents, as are inclined to oppress their tenantry, may certainly pervert the existing Regulations into an engine of oppression upon the poorer class, who they know cannot support the expense or submit to the delay inseparable from the prescribed process, and want of leisure in the officers of the Courts of Adawlut, or of their delegates, to expedite the decision of causes brought before them. During the existence of the Maal Adawluts, the ryots had a cheap and easy access for a speedy and effectual redress of all complaints against proprietors, farmers, or under tenants, for exactions or other acts of oppression.

7.—When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district bears to the cultivated land?

I was appointed to the charge of this collectorship in November last; but from a residence of near seven years in the soubah of Behar, I can, from my own observation, assert, that its cultivation has been progressively extended during the time that period includes of the Decennial Settlement; but the increase and improvement has been particularly rapid since the expiration of the Decennial Settlement, when the experience of the good faith of Government removed every doubt about the permanency of the assessment. I have no data whereby to determine in what degree the cultivation has been extended, but I am given to understand, that the proportion of the uncultivated to the cultivated land, is nearly as one to three.

8.—Do the proprietors of estates, in general, derive a profit exceeding the ten per cent. on the jumma; the profit estimated to be left to them on the conclusion of the Decennial Settlement?

It is to be supposed, that proprietors reap a profit exceeding the ten per cent. on the jumma, derived from their personal exertions in bringing the waste lands of their estates into high cultivation; and had not their estates been capable of affording this improvement, it is probable they would not have engaged for them at an assessment which did not hold out some advantages beyond malekanneh, which they might have received from the Government treasury without risk, labour or expence. Proprietors in general derive a profit on small estates of about 20 per cent. and on large estates, where the quantity of improveable land was great, and the proprietors careful and good managers, at least a profit of 50 per cent. which, supposing the jumma of the smaller and greater estates to bear an equal proportion, gives an average of 35 per cent.

9.—What is the present state of the reservoirs in your district?

The reservoirs in this district are very few; and those in a very rapid state of decay.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

Considering the liberal terms on which the Decennial Settlement, since declared perpetual, was made with the proprietors of land, and the confidence which they must have in the good faith of the British Government for the permanent enjoyment of every improvement which they might create in their estates, it is wonderful they have attended so little, as they appear in general to have done, to the establishment of such works as are calculated to increase the produce of their lands. The embankments seem universally neglected, and I do not believe that tanks have ever been dug with a view to revenue improvement.

11.—Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land in general previously to the conclusion of that settlement; and is the situation of the ryots or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

The proprietors of land have been compelled to conduct themselves with more consideration in their transactions with the ryots since the conclusion of the permanent settlement, the Regulations for which enjoining, that all demands on the cultivators should be fixed and specific, precludes the easy exercise of those exactions which were practised under the former vague and undefined mode of Mofussil assessment. This moderation may therefore be fairly ascribable to the operation of the Regulations, and not to any attention on the part of the landholders to the principles of good faith. The situation of the bulk of the ryots or immediate cultivators of the soil, is, in every respect, as comfortable as might be expected.

12.—What is the state of the roads in your district? Are there any parts of the district, the making of roads through which would be particularly beneficial to the country, and what would be the expense attending the work?

I am not sufficiently acquainted with the inland roads to offer any information from myself. I am given to understand that the highways in general throughout this district

are

are entirely neglected, excepting the great military road which runs through it from the Presidency to Chunar, from Bankpore to Danapore, and the roads from Ghya to Shehergoolty, Socena, Cannachutty, and Chithra, which are kept in repair at the expense of Government. The roads in the neighbourhood of this place, the repair of which would most contribute to the public convenience, and facilitate the communication for commerce, are, First, All the roads in the city and environs of Patna, to the expense of which the Magistrate must be best qualified to speak. Secondly, The road from Mongheer to Patna, along the banks of the Ganges, which will be particularly desirable, as it is the route of all troops marching up and down the country, through the Danapore cantonments; the distance is about fifty coss, and the country being in general high, it might, I imagine, be made for about 11,000 R^s, and kept in good repair by an annual allowance from Government of about 1,500 R^s. Thirdly, The road from Patna to Ghya would likewise be highly beneficial, from its being the principal route into the interior of the district, half the revenues of which are brought in by it, and likewise the greatest part of the trade. It is also the principal route taken by the Bengal pilgrims on their way to and from worshipping at Ghya; besides being the grand communication between Patna and the two Zillah Courts at Ghya and Ramghur, and the military detachments at those places, and the two chief cities in the Soubah. To secure these public conveniences would, from the nature of the intermediate country being low and subject to annual inundation, be attended with a very heavy expense, as it would be necessary to raise the road very high in many parts, and to construct no less than *twenty-five* pucha bridges. The first charge is estimated at one lac of rupees, which, with an annual allowance from Government of 2,500 R^s, to be laid out in repairs immediately after the rainy season, it would gradually become a good and durable road at all times. To prevent the weight of this heavy expense falling entirely upon Government, I beg to suggest the expediency of calling upon the malguzars to contribute, as they did in former Governments, to the repairs of the high roads and embankments. This formerly constituted a part of their engagements, as I am informed it does at present in Zilla Shahabad, and which I understand has been particularly beneficial to that district, where the amount levied for that purpose is one per cent. upon the assessed jumma.

13.—What is the estimated number of the inhabitants of your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

The proportion, I conceive to be in this zilla, one Mahomedan to four Hindoos; but I have no means whereby to estimate the aggregate of the whole.

14.—What are the most valuable articles of produce in your district, and has the cultivation of them particularly increased of late years; what is supposed to be the cause of that increase?

The most valuable articles of produce in this district, are opium, rice, wheat, potatoes, cotton, hemp, tobacco, maize, and sugar, the cultivation of all which, excepting the latter, has considerably increased of late years. The general increase appears to be attributable to increased population, increased demand from the increase of commerce and of internal consumption. The cause of the increase in the cultivation of potatoes, is, their having become an article of general consumption. The ryots of course follow their own interest, in extending the cultivation of these articles to the utmost of their ability. Indigo was formerly cultivated to a considerable extent in this district, but has been lately on the decline, from the heavy losses sustained by individuals engaged in the manufacture of that article.

15.—Are the stamp duties becoming more productive; and what sum do you expect those duties will produce in your district, in the present year?

The stamp duties I expect will yield this year not less than 45,000 R^s which present an increase of 7,267 rupees beyond the receipts of the preceding year. This article of revenue will become progressively more productive, and might *immediately* be improved, by fixing a stamp duty on licences issued to the Ghya pilgrims.

16.—Are the aubkarry collections increasing or decreasing?

The aubkarry collections are decreasing very considerably, owing to the option at present left to the abkars of giving up their licences at pleasure, instead of making them certain for the whole year as formerly?

17.—Are there any articles in your district on which a productive tax might be levied, without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

The removal of the duties on cattle, &c. brought to market, which formerly constituted a part of the sayer collections, under the terms "Singothee" and "Nekaus Mehals," would prove a source of revenue to Government, without being felt by the natives in any way oppressive. These duties were abolished by the orders of Government in August and December 1788; the produce of them at that time being deemed by Government unworthy the attention and trouble necessary for their collection, and the then comparatively impoverished state of the country, making the levy of them act in some degree oppressively. The very high and rapid improvement which has taken place throughout the Company's provinces since the establishment of the Decennial Settlement, and the still improving state both of cultivation and commerce, would at the same time make these duties exceedingly productive, without in the least affecting the class of natives and traders, on whom it would be leviable.

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On a reference to the records, I find the following were the rates at which the duties in question were levied.

A Levy of a per-centage on all Cattle brought for sale to market:

If both purchaser and seller be Mussulmen		10 per Cent.
If one be a Mussulman, and one a Hindoo		12/12 —
If both Hindoos		15/8 —
Nuzzerana		
On Elephants, value 700 R^s and under	ea.	37/8.
- - - - - value 800 R^s and upwards	—	75.
On Horses and Camels, value less than 5 R^s.	ea.	30 pice.
- - - - - - - - - - D° 5 to 9 R^s	—	1 R./12 A.
- - - - - - - - - - D° 10 to 19 R^s	—	4/9.
- - - - - - - - - - D° 20 to 49 R^s	—	5/.
- - - - - - - - - - D° 50 R^s and upwards	—	10/.
On Hackery Bullocks	ea.	1/4.
On Hackery and Bullocks	—	6/6.
On Tents	—	27 pice.
On a Drove of Cattle	per head	2/8.
On Beoparee Bullocks (the same as horses.)		
On Mill Bullocks	ea.	1 R./4 A.
On Sheep	per corge	6 pice.
On Goats	ea.	5 pice.
On Buffaloes	—	32 pice.
On Cows	—	22 pice.
On young Buffaloes, for killing	per corge	80 pice.
On Horses, &c. moving from market	ea.	1/12.
On Elephants - D° - D°	—	50.

As the complication of the above detail might render the tax somewhat objectionable, I beg to suggest, that in lieu of the various rates stated, a general levy of ten per cent. on the sale of the articles enumerated under five hundred rupees, and fifteen per cent. on the same, when the value of what is sold shall exceed that sum.

Under the former Governments the zemindars used, I understand, to levy a triennial tax on cattle not employed in agriculture; and, though this was undoubtedly felt oppressive by the herdsmen, owing to the unreasonable exactions of the landlords, yet it might, I conceive, be modified and rendered a productive tax, without the objection of being severe, by a considerable reduction of the rates, and making the payment annual instead of triennial, as in the following mode:

	Former Rates, Triennial.	Proposed Rate, Annual.
Cows, excepting Heifers	— 8as	— 2as
Buffaloes, large, females	1 —	— 4
D° - small - d°	— 8	— 2

Both of these duties I would humbly recommend to the attention of Government. The collections might be carried on in the same mode as those of the abkarry mehauls, by persons appointed by and under the immediate superintendence of the Collector, who should be remunerated for this extra duty by a commission, as is now received by him on the abkarry collections, and sale of stampt paper.

18.—What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

The different descriptions of rent free lands in this district, are, Jaggeer Aymah, Modulmaash, Altomgha Bishenpreet, Sheoter, Bermoter, Mahotaun, Fakeeraun, Peraun, Nuzzerauk Cheyrughee, Sersicon, Kharrijejumma, Mauffee, and Khyraute.

The average proportion of the produce of the rent-free lands, I am informed, will scarcely amount to one half of the jumma of the Malguuzarree lands; the culture of the greater part of the former being very little attended to, owing to the natural indolence of the people.

19.—Which of these descriptions of land are, in general, in the best state of cultivation; the rent-free lands, or the lands which pay a revenue to Government?

The lands paying a revenue to Government are unquestionably in the best state of cultivation.

20.—What description of old rupees are current in your district?

The eleven, twelve, and nineteen sun rupee, *equal in quality*, I understand, to the new sicca rupee, but *inferior in weight* from half to two per cent.

21.—What is the reason that these rupees continue in circulation, and how are they replaced as they become worn and diminished in value; the nineteen sun sicca rupee

rupee being the only description of rupees struck in which the public revenue ought to be paid?

The reason why these rupees continue in circulation, I conceive to be, first, an *apparent scarcity* of the new coinage, which is occasioned, I believe, by the collusion of the shroffs, who collect them for the purpose of imposing their own terms upon exchanging them with the malguzars, who receive the old rupees from their ryots in payment of their rents. These, once in the possession of the shroffs, find their way back again into the Mofussil, in advance for cloth, grain, and other merchandize. And, secondly, from the *real scarcity* of the new silver, occasioned by the shroffs exporting it to Benares, where it is recoined into rupees of an inferior quality and weight, from which the shroffs derive a profit of three per cent. on every remittance, and sometimes from six to seven; and this within the period of six weeks. A traffic of this kind is carried on to a very considerable extent, which is encouraged by the balance of trade to the westward being generally, not to say always, against the Company's provinces. From the above causes, the *forestalling*, *exportation*, and *real scarcity* of the new silver, may be attributed the general currency and circulation of the old coin, and which co-operating causes considerably tend to draw the old coin from its hoards. I do not understand that the old coin is ever replaced. Though it certainly becomes worn and diminished in value, yet it retains its currency, bearing a batta or rebate, which is an additional incitement to the shroffs to use every artifice in their power to keep it in circulation. The public revenue is paid in gold or silver of the new coinage.

22.—What rules would you recommend to be adopted for the purpose of introducing the 19 sun sicca rupees into general circulation, and rendering it advantageous to all persons to reject any other description of rupees?

For the purpose of introducing the nineteen sun sicca rupees into general circulation, I beg leave to suggest, with all due submission, to the consideration of Government, the expediency of calling in all the old coin which is now in circulation in this and the neighbouring districts of Behar, and which I conceive might be effected by the re-establishment of an assay office at Patna, for the period of one or two years, and authorizing the assay master to pay the full intrinsic value of the old coin so tendered, in new sicca rupees or gold of the new coinage, without any deduction for refining or charge for coinage, provided the quality is not worse than one per cent below the standard; the old coin so collected to be cast into ingots, and transmitted to the mint. Such an establishment might also afford some encouragement for the importation of gold and silver bullion; and the evil before stated "that of converting the new coin into an inferior currency," might be hereafter prevented by a reform. Of the present Benares mint, or the establishment of one either there or in some other centrical situation, under the immediate superintendence of an able European mint master, I should be inclined to suppose, from the particular circumstances of the present time, that the acquirement of the ceded countries has increased the magnitude of the object for establishing a general currency, so as to make it become of the highest possible importance, and deserving of every consideration that may tend to promote it; and nothing can surely lead so effectually to it, as the abolition of an inferior currency, or the reducing of our own standard to an equality with that of our neighbours.

23.—Do gold mohurs circulate in your district, and to what extent; and do they pass at par, that is, for the value of sixteen sicca rupees, when tendered for the purchase of goods; in private debts and public demands, it is, of course, received at the rate which the law requires?

The circulation of gold mohurs appears to be pretty generally established throughout the district, particularly in the cities and principal towns; and they pass at par in the purchase of merchandize. I have no data on which I can state the quantity of gold coin actually in circulation, but have the honour to submit a statement, taken from the annual Treasury Accounts of the last five years, exhibiting the proportion of gold received in the collection of the revenue.

	Gold Mohurs.	S. Rupees.
From May 1796 to April 1797 inclusive	85,888¾ or	13,74,220
- - May 1797 to April 1798 d°	85,768 -	13,72,288
- - May 1798 to April 1799 d°	80,947½ -	12,95,160
- - May 1799 to April 1800 d°	85,001¼ -	13,60,020
- - May 1800 to April 1801 d°	80,027¼ -	12,80,436

24.—Has the establishment of the currency of the gold mohur, in the interior of the country, operated beneficially or otherwise?

It is to be inferred, from the reply to the foregoing question, that the establishment of the gold currency has operated beneficially, as far as it has been effected.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of lands held exempt from the payment of revenue?

Almost the whole of the materials for these registers have been collected; but, from the multiplicity of business incidental to the current duties of this office, they have not been compiled, agreeable to the new form prescribed by Government. They are now arranging, and will be completed with all practicable dispatch.

26.—What description of persons are, in general, the purchasers of the lands disposed of by public sale in your district; and is the system of management of those

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purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

The purchasers of villages at the public sales are, in general, either persons who, having amassed money by service, wish to fund their property in landed estates, or zemindars possessed of small profitable talooks, having inclination and ability to enlarge their possessions; and as it seldom happens that the villages disposed of at the public sales fall again into arrear, and but little trouble occurs in the collection of the revenues, it is to be concluded that the system adopted by the purchasers for the management of the estates, is better than that of the former proprietors. In cases of joint estates, or where disputes exist as to the shares of the property purchased, it sometimes becomes necessary to have recourse again to the sale of such estates, for the realization of the revenue.

27.—Are you of opinion, that any of the proprietors of the lands in your district would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma); and how many years purchase do you suppose the proprietors would offer for such remission?

There can, I conceive, be little doubt of the readiness, on the part of the proprietors, who possess property exclusive of their estates, to purchase of Government the perpetual exemption from a portion or the whole of the land tax. The price, however, which they would give for such exemption, I imagine, would be regulated by the price at present paid for lands not liable to the public tax; and which I find, on enquiry, is in this zillah about six times the amount of the net annual produce. Some proprietors of large fortunes might possibly be induced to give a higher price for an exemption from the whole tax, as it might tend to enhance their consequence, by rendering them independent of the official calls of the revenue officers; but even then I do not think their offers would exceed nine; or, at the most, ten years the amount of the assessment. I have been induced to offer this opinion on information from several intelligent persons on the subject, which I conceive to be highly satisfactory; evincing thereby the perfect confidence of the natives in the stability and permanency of the British Government.

28.—What is your opinion as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question, (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

The natural indolence and want of exertion of the inhabitants of these provinces, leave me very much in doubt whether an exemption from the land tax would operate beneficially, or otherwise. I have, in my answer to the 19th Question, said that the malguzarry lands are better cultivated than those exempt from revenue: for the superiority of the former, no other reason can be assigned, than that the public demands operate as a stimulus on the activity and industry of all parties concerned therein.

(Signed) *R. Graham*,
Acts Coll.

Zillah Behar,
the 16th January 1802.

(Benares.)

To the Honourable G. H. BARLOW.
Vice President in Council, Fort William.

HONOURABLE SIR,

IN obedience to the directions of his Excellency the Most Noble the Governor General, communicated in a Letter from his Secretary, under date the 21st October, I have the honour to submit to you my Answers to a Paper of Questions transmitted to me by him, and which I have herewith detailed, and annexed my Replies to each of them respectively.

QUESTION 1.—Are the crops of the present year expected to be productive?

ANSWER.—From the favourableness of the late rains, they are expected to be uncommonly productive.

2.—What is the amount of the balances in your district on account of the past year; and what is the state of the collections for the present year?

The sum of rupees 27,060. 12. 3. and which shall be particularly explained in my annual wassel bawkee, about to be transmitted to the Accountant to the Board of Revenue. The collections for the present year have been hitherto duly realized, according to the stipulated instalments.

3.—What is the amount of the jumma of the lands which have been or are expected to be sold in your district, for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

The jumma of the lands sold, and expected to be sold, for realizing the balances of the past as well as of former years, is R^{s} 1,05,772. 8. and in many instances the defaulters paid in their balances, previous to the days on which their lands were advertised for sale. In general those disposed of produced a favourable price, and when otherwise, the difficulty of

of obtaining possession, from the notorious refractoriness of the defaulters, was the principal cause.

4.—Are the existing Regulations for collecting the revenue of Government, from the zemindars and other proprietors of lands, with whom a permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without, at the same time, affecting the security or value of landed property?

In my opinion, they cannot in any respect affect the security or value of landed property; and though, in general, they have been sufficiently effective, I am disposed to think that, by an amendment of some of them, and particularly the 22d and 26th Sections of the 6th Regulation of 1795, they would be better calculated to secure the punctual collection of the public revenue.

5.—Are the Regulations for collecting the revenue of Government, from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

The latter part of the preceding answer, I conceive, is also applicable to this question.

6.—Are the existing Regulations, for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers, and from their ryots, well calculated for the purposes intended, without, at the same time, affording to the proprietors and farmers of land the means of oppressing their under farmers and ryots?

They entirely preclude the zemindars and farmers from exercising any oppression whatever; and although they do enable them to realize their revenue, I am of opinion that the 10th Section of Regulation 51, of 1795, should be either amended or abolished, as it virtually destroys all distinction between the zemindars and their ryots, and prevents the former from reaping any advantage to be derived from their estates; and which appears to be a great hardship upon them, as, by their engagements with Government, their estates are liable to be disposed of to make good any deficiency that may happen, from whatever cause, in their stipulated revenues.

7.—When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

I was appointed to act for Mr. A. Duncan, in February 1790, and, in consequence of his death, I was confirmed in the appointment in the month of August the same year. The cultivation has every where been much improved and extended, and particularly in the frontier pergunnahs in the Ghazipoor zillah, and from the best information I have received, I should suppose it has in many parts of that zillah been increased about two-thirds, and in other parts of the province considerably more than one-fourth; but at the same time, from an inequality in the original distribution of the assessment, there are some small villages that do not yield more than a profit of 10 per cent. on the jumma, and others, of the same description, whose assets are not, or at least barely, equal to their jumma; but at the same time there are many large talooks whose assets are thrice the amount of their assessment, particularly Renteepore, Sherepore and Ghamer, in pergunnah Zemaneah, on the south side of the Ganges. Except in pergunnah Chownsah, and in the hills to the south-east of Chunar, which are incapable of being cleared, there is hardly a sufficient quantity of uncultivated land for the grazing of cattle.

8.—Do the proprietors of estates, in general, derive a profit exceeding the 10 per cent. on the jumma, the profit estimated to be left to them on the conclusion of the Decennial Settlement?

In general, they derive a very considerable profit exceeding this per centage.

9.—What is the present state of the reservoirs in your district?

In general, they are in good condition.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

They do, to the best of my information, and as far as I can judge from what has fallen within my own observation.

11.—Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land in general, previously to the conclusion of that settlement; and is the situation or condition of the ryots, or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

Previous to the conclusion of the settlement, the zemindars had only the internal management of their lands, during the continuance of the lease of the farmers of the several pergunnahs, and which were renewable at the end of each year; and as they were subject to every sort of exaction from the farmers, it is natural to conclude they made similar exactions on their ryots, by collecting from them according to the resources of the lands, and not according

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ing to any specific or understood agreements, as has been done since a separate settlement has been made of each village. In consequence of the Regulation I have already quoted, there are now, in my opinion, very few ryots, or of the class of cultivators, whom we term ryots, and their situation is, in every respect, as comfortable as can be expected.

12.—What is the state of the roads in your district? Are there any parts of the district, the making of roads through which would be particularly beneficial to the country; and what would be the expense attending the works?

The roads are every where passable to hackeries (carriages commonly used in the country) from the conclusion until the commencement of the periodical rains, and are in general in pretty good repair; and I do not think it would be particularly beneficial to the country at large, to make roads through any part of it; although it would certainly be a great convenience to have the roads leading from the towns and principal villages kept in good repair, and which might be done at a small expense.

13.—What is the estimated number of the inhabitants of your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

Upwards of three millions; and the proportion the Mahomedans bear to the Hindoos is, I should suppose, as two to ten.

14.—What are the most valuable articles of produce in your district; and has the cultivation of them particularly increased of late years? What is supposed to be the cause of that increase?

Sugar-cane, opium, tobacco, beetle-leaf, and indigo; and the cultivation of all of them has much increased of late years; and, which can only be ascribed to the confidence and security the cultivators derive from the operation of the present Regulations.

15.—Are the stamp duties becoming more productive; and what sum do you expect these duties will produce in your district in the present year?

They are increasing, but not to the extent I expected; and I think they will in this year produce from 60 to 70,000 R^{s}.

16.—Are the abkarry collections increasing or decreasing?

In the last six years they have increased from R^{s} 7,418. 7. 9. to R^{s} 1,37,347. 8. 9.; and though they may be kept up to this amount, I do not think they are likely to exceed it in any considerable degree.

17.—Are there any articles in your district on which a productive tax might be levied without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

Previous to the abolition of sayers, in 1197 Fussily, every article of produce was taxed; and, in my opinion, the information now required would be best derived from the imposition of a small tax on all articles whatever, as it would point out those which could best bear a tax, and be most productive. At first, this tax might only be sufficient to defray the requisite market establishments; and from the discontinuance of which, in consequence of the abolition of sayers, much inconvenience was felt in the district in which I was then stationed; and having afterwards frequently witnessed the great want of them, both in Behar and in this province, I am confident that a market, where a proper establishment was kept up, would be more frequented, notwithstanding the collection of a duty, than another market, where there was nothing collected, and no establishment maintained. I should therefore consider the re-establishment of these duties as a benefit to the country at large, as well as its becoming, in a short time, a productive source of revenue to Government.

The very short time I have to remain at Benares, as well as the hurry of business previous to delivering over charge of my office, does not admit of my obtaining from the several Mofussil officers any accounts of these duties, previous to their abolition; and without a reference to them, I am sorry it is not in my power either to state any particular articles on which a tax would be most productive, or the rates of tax which might appear best calculated to the ends proposed; but should a general tax be imposed, some of the duties might afterwards be abolished, and others retained or increased, as circumstances might seem to render necessary.

18.—What are the descriptions of rent-free lands in your district; and what proportion does the jumma of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

They are allumgah, maaffee, jageer, and kishnorpun, the nominal jumma of all of which is R^{s} 5,77,147, and is about one seventh part of the land revenue.

19.—Which of these descriptions of lands are in general in the best state of cultivation; the rent-free lands, or the lands which pay revenue to Government?

They are both, and equally, in the highest state of cultivation.

20.—What descriptions of old rupees are current in your district?

The only description of rupees current in this district, is that termed the 17th sun Benares sicca rupee.

21.—What is the reason that those rupees continue in circulation, and how are they replaced, as they become worn and diminished in value; the 19th sun sicca rupee being

being the only description of rupee struck in the provinces, and that being the rupee in which the public revenue ought to be paid?

There are no rupees of the description mentioned in this question, current in the district.

Zillah Benares, 2 December 1801.

22.—What rules would you recommend to be adopted for the purpose of introducing the 19th sun sicca rupee into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee?

That an European mint master should be appointed; and that all rupees paid into the treasury on account of the public revenue should, be coined, at the expense of Government, into the 19th sun sicca rupee; and that after a certain period no rupees of any other standard should be received in payment of the public revenue, without being liable to a batta equal to the loss sustained in coining the Benares sicca rupees into rupees of the 19th sun.

23.—Do gold mohurs circulate in your district; to what extent; and do they pass at par, that is, for the value of 16 sicca rupees, when tendered for the purchase of goods; in payment of private debts and public demands it is of course received at the rate which the law requires?

They are never tendered in payment of the public revenue, and are not considered as current in the district.

24.—Has the establishment of the currency of the gold mohur, in the interior of the country, operated beneficially, or otherwise?

The answer to the preceding question will shew that there is no gold currency in this district.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands held exempt from the payment of revenue?

The Quinquennial Register of lands paying revenue to Government, is completed; and that of the lands held exempt from the payment of revenue, is in great forwardness.

26.—What descriptions of persons are, in general, the purchasers of the lands disposed of by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

In general the zemindars of the pergunnahs in which the lands are situated, and sometimes by the monied men of Benares, and, generally speaking, the system of management pursued by both is the same.

27.—Are you of opinion that any of the proprietors of lands in your district, would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma) and how many years purchase do you suppose the proprietors would offer for such remission?

To give a satisfactory answer to this question, would require more enquiry than the short time I have to remain in the district will admit of my making, but I am of opinion that none of the proprietors would purchase at such a rate as would be advantageous to Government to accede to.

28.—What is your opinion as to the effect which a disposal of a proportion of the jumma, in the manner proposed in the preceding question (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

I do not feel myself competent to give an explicit answer to this question; but I rather think such an arrangement as mentioned would not in any manner tend to the improvement of the country, for at present they have as much inducement to attend to the cultivation of their estates as they could possibly have under any circumstances whatever.

I have the honour to be, Honourable Sir,

Your most obedient humble servant,

J. Routledge,
Coll^r.

Benares,
the 2d December 1801.

No. 1.—part 2.

Answers by the COLLECTORS.

Bhaugulpore, 4 January 1802.

(Bhaugulpore.)

To His Excellency the Most Noble Marquis WELLESLEY, Governor General.

My Lord,

IN obedience to commands received from the Secretary to Government of the third ultimo, I have the honour to transmit my Answers to the Interrogatories proposed to me by the Honourable the Vice President in Council, transmitted in his former Letter, the 29th October 1801.

I doubt my sentiments on some points of them are not those most generally received, and I have therefore presumed to annex some accounts of authentic historical authority, not only in justification of them, but as they may possibly throw some light, and be of some use on the early management of the territories, that, to your Lordship's immortal honour, and the relief and happiness of millions, have, from your Lordship's transcendent abilities and exertions, been lately united to the British Empire.

I have the honour to be, &c.

Bhaugulpore, 4th. January 1802.

(Signed) *Jos. Sherburne*, Collector.

ANSWERS to Interrogatories to the Collectors received from the Secretary to Government, under date 29th October 1801.

1.—Are the crops of the present year expected to be productive?

The bhadon crop was nearly totally lost in the late inundation, but grain continuing cheap, indicates plenty in store, and the augun and poose crops promise to be very abundant.

2.—What is the amount of the balances outstanding in your district on account of the past year; and what is the state of the collections for the present year?

The balances of last year are considerable, but are, I hope, recoverable: the state of the present year's collections is, at present, unfavourable, from the damage sustained by the ryots in the late inundation.

3.—What is the amount of the jumma of the lands which have been or are expected to be sold in your district, for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

The jumma of the lands proposed to be sold to liquidate balances on account of last year, amount to 6,773. 15. 5. 3. The sale of lands to liquidate the further balances, I have recommended to be suspended, till the question between the zemindars and muckuddums, respecting the claims of the latter to separation, is determined in the Zillah Court. The last sale of lands, viz. on the 14th September, I consider rather favourable; but that they are not more so, I attribute,

1st. To the apprehension of the influence and operation in the collections from the former proprietors.

2d. To the subdivision of interest in estates, in the Bahar division of this zillah, which are so complex and various, that none but a person of local personal knowledge of an estate will venture on a purchase.

3d. That those who might otherwise be disposed to become purchasers, are deterred from bidding if they observe a superior, of any description, to be their opponent.

4th. To a combination among the bidders.

4.—Are the existing Regulations for collecting the revenue of Government, from the zemindars and other proprietors of lands, with whom permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without, at the same time, affecting the security or value of landed property?

The existing Regulations, I consider well regulated to secure the punctual collections of the public revenue, but, I apprehend, they have at the same time afforded the proprietors of estates such opportunities of alienating and collusively disposing of their resources, that the lands *bonâ fide* paying rent to Government, have been reduced to a bare sufficiency, to pay the jumma assessed on the estates, and to this I attribute the frequent failure of proprietors, and the frequent sales; and I consider it otherwise morally impossible, that the revenue of this, or any other district under the British Government, should, in the course of little more than thirty years, have dwindled from 3,19,911. 10. to 1,41,255. 3. 2.

5.—Are

5.—Are the existing Regulations for collecting the revenue of Government from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

The existing Regulations for collecting the revenue from persons holding lands in farm immediately from Government, I consider well calculated to secure the punctual collection of the public revenue; but I apprehend it might be proper to insert in their engagements, a clause binding them to deliver over their farm, at the expiration of their lease, in as good, if not in a certain degree (as Government may think fit) of improved condition, as they receive it; the farmer or tenant being every where, at least, responsible for injury or waste.

6.—Are the existing Regulations for enabling the zemindars and other proprietors of lands, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers, and from their ryots, well calculated for the purpose intended, without, at the same time, affording to the proprietors and farmers of land the means of oppressing their under farmers and ryots?

The previous Regulations for enabling the zemindars, farmers, &c. to collect their rents from their under tenants, &c. are much improved by Regulation VII, 1799; Regulation V, 1800; Regulation I, 1801; and the powers delegated are not greater than is requisite to enable them to enforce the punctual payment of their rents.

7.—When were you appointed Collector of the district, and has its collection been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land, in your district, now bears to the cultivated land?

I took charge of this district on the 11th September 1801, and cannot therefore presume to give any opinion with respect to the increase or decrease of cultivation, since the formation of the Decennial Setlement; but I observe a striking increase, both of inhabitants and cultivation, since the year 1773: the uncultivated lands, from the district being so mountainous, must needs be very disproportionate to the cultivated lands, and in that degree, that I must decline to hazard even a conjecture.

8.—Do the proprietors of estates, in general, derive a profit exceeding the ten per cent. on the jumma; the profit estimated to be left to them on the conclusion of the Decennial Settlement?

I do not suppose, for the reason given in the conclusion of my answer to the 10th Interrogatory, the proprietors derive a greater profit from their lands absolutely paying rent to Government, than the estimated profit of ten per cent.

9.—What is the present state of the embankments in your district?

The embankments in this district are merely local, and, where required, are made at the charge of the proprietors of the estate.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

The proprietors of estates, I believe, from having studied, and from my experience of the character and principles of the natives, never willingly disburse a rupee on improvements, digging tanks, or works of any kind; they dig tanks and erect gauts from ostentatious motives, but none, I believe, from considerations of public utility. The province of Beerbhoom abounds in tanks, but the ryots pay the proprietors for the water they draw for the use of their fields: an Asiatic never relinquished an immediate for a remote advantage, however superior or obvious.

11.—Have the proprietors of land conducted themselves with more moderation, and *with greater attention to the principles of good faith*, in their transactions with *their ryots, since the establishment of the permanent settlement*, than was observed *by the proprietors of land in general, previously to the conclusion of that settlement; and is the situation and condition of the ryots* or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

The zemindars are very seldom guided in their conduct to their ryots, by either principles of good faith or moderation. It is the hand of Government alone, and of those who exercise authority under it, that can curb the one, or protect the other from oppression; the condition of the ryots or cultivators of the soil, under the Regulations, is as comfortable as can be expected. It might be of use to extend the power of enquiry, and of granting redress to the ryots in cases of dispossession, to the Collector.

12.—What is the state of the roads in your district?

The roads in this district, from the judicious management and distribution of the labour of the felons by Mr. Fombelle, are good, and will be as far improved as the nature of the country and climate will admit. A substantial public road through the district from west to east, would certainly be very beneficial, but would be attended with such an expense in making and keeping it in repair, that I dare not suggest such an undertaking.

No. 1.—part 2.

Answers by the COLLECTORS,

Bhaugulpore, 4 January 1802.

13.—What is the estimated number of the inhabitants of your district; and what proportion is it to be supposed the Mahomedans bear to the Hindoos?

The inhabitants of the district, calculated from an account of the number of houses taken by the Magistrate, amount to between 550,000 to 600,000.

14.—What are the most valuable articles of produce in your district, and has the cultivation of them particularly increased of late years; what is supposed to be the cause of that increase?

The most valuable article of gross produce of this district, is sugar; and that of Rajemahl being of a superior quality, has of late years been much in demand for exportation. The only manufacture of consequence is that of champanugar, but it has fallen into disrepute in foreign markets, from the use of a caustic alkali, which, in bleaching, destroyed its texture, which is part of animal (the tussur silk) and part of vegetable substance. I must, however, remark on an article of national importance. It is a species of hemp or flax, found by experiments of Mr. Glas, to exceed in strength the hemp of Europe, in the ratio of nearly two to one; is the produce of a creeper, common on the hills, and may be cultivated to any extent.

15.—Are the stamp duties becoming more productive, and what sum do you expect those duties will produce in your district, in the present year?

The stamp duties are becoming more productive, and I estimate they will produce in the ensuing year, from 3,500 to 4,000 rupees.

16.—Are the abkarry collections increasing or decreasing?

The abkarry collections are at present stationary; but, from the enquiries I have set on foot, I look with confidence to an increase.

17.—Are there any articles in your district on which a productive tax might be levied, without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

The only article, on which a productive tax might be levied, to be productive, without oppression, that immediately occurs to me, is the article of manufactured tobacco, consumed by the inhabitants of every description, and which, in the following mode of calculating, might produce about 10,000 rupees per annum. The inhabitants are stated at 600,000, say families 150,000. Common tobacco is about 8 seer per rupee; suppose each family to consume half a seer per month, is 6 seer per annum; the gross amount will be 1,12,500; on which an excise of 10 per cent. would produce, 11,250, to be levied by licences granted to shops for retailing it.

18.—What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

The rent-free lands of every description in the Bahar portion of this district, amount, as per list annexed, to 1,67,000 begas; but I have not the smallest faith on the records from which the list is taken, and, notwithstanding the Regulations have been in force upwards of 10 years, no progress has yet been made in obtaining a more correct account.

The grounds of my incredulity I humbly submit to consideration; I assume for argument, that the revenue of the district is adequate to 1/10 of the gross produce.

The revenue being 3,24,809, the gross produce will amount to 32,48,090; I assume, every individual on an average, of all ranks, consumes at least 10 rupees of produce annually. The inhabitants having been ascertained to amount to about 600,000, their consumption will amount to 60,00,000; the produce of the khalsah lands is consequently inadequate to the consumption in 27,52,600. Grain, and every article of consumption of the natives, is exported from the district; the produce must consequently exceed the consumption. The sum deficient of the consumption in the produce of the khalsah lands, and the value of the exports, must consequently arise from the rent-free lands, which, in this mode of estimate, cannot but be at least adequate to the produce of the khalsah lands.

If the revenue be supposed to bear a higher proportion to the gross produce, and the consumption of the individual less in the same ratio, the equation and the consequence will be the same; and that the rent-free lands bear a less proportion to the khalsah lands, than they appear from this mode of estimate, can only with submission be maintained, by supposing the revenue still more disproportionate to the gross produce than I have assumed, or by estimating the consumption of the individual far below probability?

19th.—Which of these descriptions of lands are, in general, in the best state of cultivation; the rent-free lands, or lands which pay revenue to Government?

The rent-free lands, in cases where they do not exceed the quantity that may be cultivated by the owner, with the assistance of an hired ploughman, I have no doubt, from the whole profit being the owners, are better cultivated than the khalsah lands. Where rent-free lands are let to the ryots, and khalsah lands of equal fertility come in competition, the last are likely to be best cultivated; those are most likely to be preferred, the ryots having a sort of pride, and considering themselves better protected in cultivating the khalsah lands than those of individuals.

20.—What descriptions of old rupees are current in your district?

A few sonat rupees are current in this district, but they bear a small proportion to the 19 sun struck in the provinces.

21.—What is the reason that these rupees continue in circulation, and how are they replaced as they become worn and diminished in value; the 19 sun sicca rupee being the only description of rupee struck in the provinces, and that being the rupee in which the public revenue ought to be paid?

That there any other than 19 sun sicca rupees in circulation, I apprehend arises from two causes:

1st. That the intrinsic value of the 19 sun sicca rupee, is greater than the nominal value between it and the sonat rupee, which makes it worth while to exchange and melt it down in the mints of Benares and Lucnow.

2d. To the natural consequence of our intercourse with our neighbours, merchants, travellers, servants and boat people, importing their currency for the purchase of merchandize, and their private expenses. In the countries of Europe, the purchase of foreign coin is a traffick for the mint and manufactures, hence little appears in circulation. In this country, the exchange of coins is a traffick among a very numerous class of people, who have no other means of subsistence; and foreign coins do not disappear till they are too much worn to circulate, when they are purchased and melted down for a variety of purposes.

22.—What rules would you recommend to be adopted for the purpose of introducing the 19 sun sicca rupees into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee?

The best informed minds are often wedded to particular habits of thinking, but it is seldom otherwise with those of the inferior class of men in any country; and we ought not therefore to be surprized, if the lower orders of the people in different parts of the provinces, accustomed for generations past to value their little property in exchange, by a particular species of rupee, should continue their partiality for it. In the province of Dacca, I understand the Arcot rupee continues to be preferred; in Beerbhoom the sonat; hence I conclude, if these local prejudices for particular species of rupees is an evil, it is only to be remedied by time.

23.—Do gold mohurs circulate in your district; to what extent; and do they pass at par, that is for the value of 16 sicca rupees, when tendered for the purchase of goods; in payment of private debts and public demands it is of course received at the rate which the law requires?

Gold mohurs here bear sometimes a trifling batta, at others none at all; and in commercial transactions or payment of debts they are received at par.

24.—Has the establishment of the currency of the gold mohurs, in the interior of the country, operated beneficially, or otherwise?

From the circumstances above stated, the gold coin being generally dispersed and current in the interior of the country, I conclude, the inhabitants must have experienced its utility, and that no further proof is necessary of its having operated beneficially.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands held exempt from the payment of revenue?

The first quinquennial settlement was not kept by my predecessor, and little or no progress can be made in the last required, till the question at issue between the zemindars and muckuddums is determined by the Court; as the separations made by Mr. Dickinson cannot be entered in the register of intermediate mutations, till they are properly, authorized.

26.—What descriptions of persons are, in general, the purchasers of the lands disposed of by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

The lands disposed off at public sale in this district have, with one or two exceptions, been purchased by inhabitants of the district; but, I apprehend, the principles of the purchasers and former proprietors are exactly the same, with respect to the improvement of their estates, on which, as has been before observed, they never disburse a rupee; and, except that one may be a better economist, and look more into the detail of his collections than the other, the only difference is the change of name.

27.—Are you of opinion that any of the proprietors of lands in your district, would purchase of Government the permanent remission of any part of the fixed jumma, assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma) and how many years purchase do you suppose the proprietors would offer for such remission?

I apprehend the proprietors of estates in this district, in general, have not the means of redeeming any part of the established jumma; and that if they had, the highest value proposed would be five years purchase; as money lent at interest, properly managed, will double itself

No. 1.—part 2.

Answers by the COLLECTORS.

Bhaugulpore, 4 January 1802.

in seven years. But if they had the means, and were disposed to the purchase, the rights in each village, it has been observed, are so various, complex, and subdivided, that I fear the measure would be found impracticable, and, in the present state of the question between the zemindars and muckuddums, is absolutely impossible. But if there were no other obstacles, I should be at a loss, without further instructions, in what manner to make the proposition, or sound them on the subject; as it is not suggested, whether the dereliction of a part of the jumma is to be of a part of the jumma of the estate collectively, on the separation of villages composing it. If the first, in what manner is the portion relinquished to be divided, so as to meet the jarring interest of the proprietors; or to make it practicable hereafter to sell or separate any part of the estate? If the last, I apprehend there is danger that the ryot will be enticed from the villages paying rent, to those that will become rent free; that the khalsah villages will thence, becoming rack rented, be brought to the hammer, and become the property of Government for want of purchasers."

I have not accurate information to refer to, and therefore assume 2,70,00,000 for the landed rental of the provinces, of which one-fifth or 20 per cent. is 54,00,000, which at six instead of five years purchase would amount to 3,24,00,000; but this, with great deference, appears to be liquidating a debt of 3,24,00,000, with the loss for ever of an increase that would pay the interest of a debt of 5,40,00,000 for ever. If the state of the public finances is such, that Government can relinquish this income for ever, the same sum reserved from the present income, would discharge the interest half yearly of the same date at 10 per cent. and leave a sinking fund of 21,60,000 annually, which would redeem the principal and income in about 12 years; and if a rental adequate to the proportion of the jumma proposed to be sold, was assigned in trust for the purpose above suggested, it would establish the public credit on so firm a basis, that I have no doubt that the interest of the public debt in a few years might be reduced to 5 or 6 per cent.

28.—What is your opinion as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

If, by improvement of the country, is to be understood extention of cultivation, and this is to arise from the lands being lighter assessed, I firmly believe the measure would produce no such effect; if it were for this reason only, that the lighter the lands are assessed, the less call there is for the exertion of the cultivators of it. Nor do I consider the extention of cultivation, except for articles for exportation, anywise desirable. It stands on record in this district, and is a well known fact, that a year of great plenty is injurious; the person who has resided any number of years in India must have experienced, that it excites and encourages general idleness and contumacy in the inhabitants. The province of Benares is better cultivated, in proportion to its extent, than the Company's provinces, simply because the price of food and the necessaries of life are dearer, which compel the inhabitants to be more industrious; and I am of opinion that it would be productive of general good, if any measure could be devised that would prevent grain from becoming cheaper than one maund per rupee.

I take the liberty to annex some Accounts connected with the subject of these Interrogatories, and in elucidation of my answers thereto.

Boglepore, 4th January 1802.

(Signed) *Jos. Sherburne*, Collector.

AN ACCOUNT, shewing the Tuckseem Jummah or Quit Rent established by Rajah Turdurmul, and the Military Force of the following Provinces, in the Reign of the Emperor Akbar, in the 16th Century.

SOUBAHS.	SIRCARS.	Mehals.	Revenue in Dams.	Revenue in Money, 40 Dms p' Rupee.	Cavalry.	Elephants.	Infantry.	Boats.
BENGAL, & ORISSA	- - -	787	59,84,59,319	1,49,61,482	23,300	170	8,01,158	4,400
BEHAR	Behar, proper	46	8,31,96,390	20,79,909	2,115	- -	67,350	—
	Monghyr	31	10,96,25,981	27,40,649	2,150	- -	50,000	—
	Champaran	3	55,13,420	1,37,835	- -	- -	3,000	—
	Hajypore	11	2,73,31,030	6,83,275	—	—	—	—
	Sarun	17	1,61,72,004	4,04,300	1,000	- -	50,000	—
	Terhoot	74	1,91,79,777	4,79,494	700	- -	80,000	—
	Rhotas	18	4,08,19,493	10,20,487	4,550	- -	1,62,000	—
		200	30,18,38,095	75,45,949	10,515	- -	4,12,300	—
BENARES	Benares	8	88,69,318	2,21,733	830	- -	8,400	—
	Ghazepore	19	1,34,31,300	3,35,782	310	- -	16,650	—
	Jownpore	41	5,63,94,127	14,09,853	915	- -	36,000	—
	Chunar	13	58,10,654	1,41,266	500	- -	18,000	—
		81	8,45,05,399	21,12,634	2,555	- -	79,050	—
ALLAHABAD	Allahabad	11	2,88,33,374	7,20,834	580	- -	7,100	—
	Manickpore	14	3,39,16,527	8,49,913	2,040	- -	42,900	—
	Bhutgorah	39	72,64,880	1,81,572	4,304	200	57,000	—
	Korah	9	1,73,97,567	4,34,939	500	10	15,000	—
	Kalinjer	11	2,38,39,474	5,95,987	1,210	12	18,100	—
	Kunah	12	2,26,82,048	5,67,051	190	- -	8,700	—
		96	13,39,31,870	33,48,296	9,824	222	1,48,800	—
OWDH	Owdh	21	4,09,56,343	10,23,908	1,340	23	31,900	—
	Goruckpore	24	1,19,26,790	2,98,169	1,010	- -	22,000	—
	Berayetch	11	2,41,20,525	6,03,013	1,070	- -	14,300	—
	Khyrabad	22	4,36,44,381	10,91,109	1,160	- -	27,800	—
	Lucknow	55	8,07,16,120	20,17,903	- -	- -	—	—
		133	20,13,64,159	50,34,102	5,580	23	96,000	—

THE Tuckseem Jummah of Bengal, of which the particulars are imperfect, amounted to - - - - - - - - - - - - 1,49,61,482

- - - - - Dº - - - of Behar - - - - - - - 75,45,949

2,25,07,431

The present Jummah of Bengal and Behar is nearly - - - - - - 2,69,00,000.

The Tuckseem Jummah of Benares was - - - - - - - - - - 21,12,634.

The present Jummah is nearly - - - - - - - - - - - 43,00,000.

No comparison can be made of the former and present Jummah of Allabad and Owdh, as the Soubahship comprizes many mehals that were not formerly included in it, and the province of Benares formed part of Allahabad; but the present Soubah contains about 59,000 square miles, and the Jummah exceeds - - - - - - - - - - 2,21,00,000.

The province of Behar contains 52,000 square miles, and the Jummah is - - 43,00,000.

From the Ayen Akbarry, Vol. I. par. 284. it appears, the lowest assessment of land, in the reign of Akbar, was one rupee per begah.

The assessment of the Company's provinces does not at present amount, on an average, to eight annas per begah. From the following accounts it will appear, the relative value of the produce, since the reign of Akbar, has increased at least 2½ a. 1.

The revenue was established at one-third of the produce, Ayen Akbarry, Vol. I. p. 355. and the Tuckseem Jummah was fixed at the average of ten years absolute collections, Ayen Ackbarry, Vol. I. p. 366.

The term zemindar occurs but twice in the Institutes of Akbar, in the 1st vol. par. 372. in the instructions to the Foujdar in the mode of treating a zemindar, or a collector of the royal or jaggeer lands, when disobedient; in the 2d vol. par. 19. where the zemindars are said to furnish the military force of Bengal, stated in the preceding Account; and the Aumelguzzar or Collector, 1st vol. par. 350. is enjoined to transact his business with each husbandman separately.

The Measured Lands of Behar, in the Reign of Akbar.

Behar Proper	46 Mehals	9,52,598	0
Bettyah, or Champaran	3 —	85,711	5
Hajypore	11 —	4,36,952	15
Rotas and Shawabad	18 —	4,73,340	12
Sarun	17 —	2,29,052	15
Tyrhoot	74 —	2,66,464	6
	169 Mehals — Begahs	24,44,120	—
Revenue — Rupees		45,67,044	0

Monghyr, which appears not to have been measured, contains 31 mehals, and the Revenue is stated at 10,96,25,981 dams, or rupees 27,40,649; but the account of particulars makes out only 275,61,178 dams, or rupees 6,89,029; but whether the general or particular account of this sircar is most correct, there can be no doubt, from the above statement, the Government lands of Behar were assessed, on an average, at 1. 14. per begah. Ramgur and Chuta Nagpore, if included in the present Jummah of Behar, must be deducted, to compare it with the Tuckseem Jumma; and Boglepore, Cheye, and Tuckeys pergunnaks, if not included, must be added.

AN ACCOUNT, shewing the ESTIMATED PRODUCE of Three Sorts of POOLEY LANDS, (Lands cultivated every Harvest;) the Average of Ten Years Collection; and the Revenue having been established at one-third of the Produce, the Average Value; and the Quantity of Produce, in the Soubah of Agra, the 24th year of Akbar Shaw, in the 16th Century.

NAMES of ARTICLES.	PRODUCE p[r] Begah, 1st Sort.	2[d] Sort.	3[d] Sort.	AVERAGE.	AVERAGE, Ten Years Collections.	VALUE of Produce estimated from Collections.	PRICE CURRENT.	QUANTITY estimated from Value of Produce.
SPRING HARVEST.	Md[s].	M. S.	M. S.	M. S. Ch.				M. S. Ch.
Wheat	18 0	12 0	8 35	12 38 4	54 Dams.	162 Dams.	12 D[ms]. p. Md	13 20 0
Vetches	13 0	10 20	1 20	10 13 8	31	93	9	10 13 0
Barley	18 0	12 20	8 15	12 38 4	38	114	8	14 10 0
Adessalentel Susee	8 10	6 20	4 25	6 18 8	23	69	12	5 30 0
Linseed	6 20	5 10	3 30	5 7 0	25	75	10	7 20 0
Maasser	8 30	6 30	5 10	6 36 8	62	185	18	10 14 0
Arzewa, kind of Millet	10 20	8 10	5 5	8 1 8	18	54	6	9 0 0
Mustard	10 20	8 20	5 5	8 1 8	26	78	12	6 20 0
Peas	13 0	8 20	8 25	10 23 0	26	78	6	13 0 0
Ferugnck	14 0	11 0	9 35	11 25 0	52	156	10	15 2 4
Shaly Kowr, a particular kind of Rice	24 0	18 0	14 10	18 30 0	44	132	7	19 0 0
Pot Herbs	—	—	—	—	56	168	—	—
Ayewain, an inferior kind of Aniseed	—	—	—	—	66	198	2 D[ms]. p. Sen.	2 19 0
Onions	—	—	—	—	72	216	40 D[ms]. p. M[d].	5 30 0
Carrots	—	—	—	—	25	75	3 p. Sen.	0 25 0
					618 D[ms].	1,854		

M. S. C.

Average Revenue of 15 Articles of the Spring Harvest, 41 Dams, or — 1. 6. 0. p. begah.
Average Produce — 3. 1. 6.

(continued.)

An Account, shewing the estimated Produce of Pooley Lands, &c.—*continued.*

NAMES of ARTICLES.	PRODUCE p^r Begah, 1st Sort.	—— 2^d Sort.	—— 3^d Sort.	AVERAGE.	AVERAGE, Ten Years Collections.	VALUE of Produce estimated from Collections.	PRICE CURRENT.	QUANTITY estimated from Value of Produce.
AUTUMN HARVEST.	M. S.	M. S.	M. S.	M. S. C.				M. S.
Common Sugar Cane, produce Malasses -	13 0	10 10	7 20	10 13 8	108 Dams.	324 Dams.	31 p. M^d.	10 18
Shaly Mushkun - -	24 0	18 0	14 10	18 30 0	62 - -	186 - -	10 - -	18 25
Common Rice - -	17 0	12 20	9 11	12 38 8	44 - -	132 - -	13 - -	10 7
Mash - - -	10 20	7 20	5 10	7 30 0	32 - -	96 - -	16 - -	6 0
Mowng - - -	6 20	5 10	3 30	5 6 8	35 - -	105 - -	18 - -	5 33
Jewar, a kind of Pea -	13 0	10 20	7 20	10 13 8	32 - -	96 - -	10 - -	9 25
Shamakti, a grain resembling Poppy Seed	10 20	8 20	5 5	8 1 8	11 - -	33 - -	4 - -	8 10
Gall, a grain resembling Mustard - -	6 20	5 10	3 30	5 7 0	14 - -	42 - -	8 - -	5 10
Hederim - - - -	18 0	12 20	8 15	12 38 8	27 - -	81 - -	7 - -	11 27
Sesame, a grain of which Oil is made -	8 0	6 0	4 0	6 0 0	31 - -	93 - -	20 - -	4 26
Tureyah, a small grain resembling Mustard	6 20	5 10	3 30	5 7 0	32 - -	96 - -	19 - -	5 0
Turmerick - - -	- -	- -	- -	- -	100 - -	300 - -	2 p. Seer.	3 30
Water Melons - -	- -	- -	- -	- -	19 - -	57 - -	—	—
Pot Herbs - - -	- -	- -	- -	- -	59 - -	177 - -	—	—
Mowth - - - -	- -	- -	- -	- -	21 - -	63 - -	12 p. M^d.	5 10
Lyderah - - -	10 20	7 10	5 20	7 30 0	25 - -	75 - -	8 - -	9 15
Arzen, a kind of Millet -	16 10	13 20	10 25	13 1 8	20 - -	60 - -	6 - -	10 0
Korey - - -	- -	- -	- -	- -	11 - -	45 - -	7 - -	6 18
Indigo - - -	- -	- -	- -	- -	137 - -	411 - -	—	—
Cotton - - -	10 0	7 20	5 0	7 20 0	66 - -	198 - -	26 - -	7 24
					890 - -	2,670 D^s		

	M. S. C.	
Average Rev. Autumn Harvest, on 20 Articles, 45 D^s - -	1. 2. 0.	
	3. 6. 0.	p. Begah.
Average Rev. - - both Harvests - - -	2. 2. 6.	
Average Produce - - -	6. 7. 0.	p. Begah.

REMARKS.

THE estimated produce of the lands stated in this Account, reduced to 80 S^r w^t per seer is within a trifle (more or less) the common produce of lands in the Company's provinces; and it would be greater, if the ryots, from the very low rates of assessment, were not habitually indolent and careless in their cultivation. In the soubahs of Allahabad and Owdh, the ryots are obliged to water their lands for the spring harvest, and at the season for preparing the lands, they plough by moonlight; the ryots of Bengal are never at the trouble of doing either the one or the other. The rates of assessment, in the Company's provinces, have decreased in the ratio of the relative value of the produce increased.

At present, 15 rupees per begah is no uncommon produce from pooley lands in the province of Benares, and the common assessment is from 3 a' 5 rupees per begah; and if the produce is less valuable in the Company's provinces, it is only a proof that the ryots are less industrious. A husbandman of Benares ploughs his land from 7 a' 40 times, according to his intended cultivation, and would despair of the success of his crop, if he omitted a single ploughing of the number prescribed. The husbandman of Bengal seldom ploughs more than thrice.

AN ACCOUNT, shewing the Aggregate and Average Produce, and the Proportion taken as Revenue in the Spring and Autumn Harvests, from the Pooley Lands (lands cultivated every Harvest); and the Average of Ten Years absolute Collections in Coin in the Soubah of Allahabad; with an Agra Price Current in the reign of Akbar, in the 16th Century.

NAMES of ARTICLES.	The Aggregate Produce of 3 B[e] of different sorts, w[t] 60 S.R[s] per Seer.	One-third of the preceding, being the Medium Produce of a Begah of Pooley.	One-third of the Medium Produce of a Begah, being the Proportion fixed for the Revenue.	The Proportion of Revenue reduced to Calcutta w[t] of 80 S.R[s]. per Seer.	Average of 10 Year's Collections, the 24th year of Akbar Shaw, per Begah.	Average Collections, reduced to Calcutta Currency per Begah.	Agra Price Current.
SPRING HARVEST.	M. S.	M. S.	M. S.	M. S. C.	Dams.	R. A. P.	Dm. p' M[d]
Wheat	38 35	12 38½	4 12¾	3 9 9	63	1 9 3	12
Vetches	31 0	10 13½	3 18	2 23 8	39	0 15 6	9
Adess, a Lentil	19 15	6 18½	2 6	1 24 8	29	0 11 6	12
Barley	38 35	12 38¼	4 12¾	3 9 9	64	1 9 6	8
Linseed	15 20	5 7	1 29	1 11 12	34	0 13 6	10
Maasfer	20 30	6 36½	2 12	1 29 0	62	1 9 0	8
Arzen, a kind of Millet	24 5	8 1½	2 27½	2 0 10	22	0 9 0	6
Mustard	24 5	8 1½	2 27½	2 0 10	35	0 14 0	12
Peas	32 5	10 23	3 33	2 27 4	29	0 11 6	6
Fenugrick	34 35	11 25	3 35	2 31 4	56	1 6 6	10
Shaly Kowr, a particular kind of Rice	56 10	18 30	6 10	4 27 8	41	1 0 6	7
Pot Herbs	- -	- -	- -	- - -	43	1 1 6	—
Agewain, an inferior kind of Aniseed	- -	- -	- -	- - -	72	1 13 0	2 p' M[d]
Onions	- -	- -	- -	- - -	79	1 15 6	40 p' M[d]
Carrots	- -	- -	- -	- - -	25	0 10 0	3 p' Seer
					693		

	W.	S.	C.
Average Revenue of 15 Articles of the Spring Harvest, 46 Dams, a'	1.	2.	6. p[r] Begah.
Average Produce	3.	7.	6.

AUTUMN HARVEST.							
Shaly Mustkun	56 10	18 30	6 10	2 27 8	65	1 10 0	10 Dams.
Common Rice	38 35	12 38⅓	4 13	3 9 12	47	1 3 0	13
Mash	33 10	7 30	2 22½	1 37 10	35	0 14 0	16
Mowng	15 20	5 6½	1 29	1 11 12	41	1 0 6	18
Jewar, a kind of Pea	31 0	10 13½	3 18	2 23 8	27	0 11 0	10
Shamakti, a grain resembling Poppy Seed	24 5	8 1½	2 27½	2 0 16	14	0 5 6	4
Gall, a grain resembling Mustard	15 20	5 7	1 29	1 11 12	18	0 7 3	8
Koderam	38 35	12 38½	4 12½	3 9 9	30	0 12 0	7
Sesame, a grain of which Oil is made	18 0	6 0	2 0	1 20 0	37	0 14 9	20
Tureyah, a small grain resembling Mustard	15 29	5 7	1 29	1 11 12	36	0 14 6	19
Turmerick	- -	- -	- -	- - -	100	1 4 0	2 p' Seer
Water Melon	- -	- -	- -	- - -	12	0 5 0	fr. 2 to 1 ea.
Common Sugar Cane	- -	- -	- -	- - -	121	3 0 6	½ p' each
Pot Herbs	- -	- -	- -	- - -	73	1 13 3	—
Mowth	- -	- -	- -	- - -	29	0 11 6	12
Lyduah	33 10	7 30	2 33½	1 37 10	25	0 10 0	8
Arzin, a kind of Millet	40 5	13 1½	4 18½	3 13 14	25	0 10 0	8
Korey	- -	- -	- -	- - -	8	0 3 3	7
Indigo	- -	- -	- -	- - -	143	3 9 3	—
Pan	- -	- -	- -	- - -	97	2 7 0	—
					983		

	M.	S.	C.
Average Rev. of 20 Articles of the Autumn Harvest, 49 D[ms], a'	1.	3.	6.
Produce	3.	10.	6.
Average Rev. both Harvests	2.	6.	0.
Average Produce	7.	2.	0. p' Begah.

AN ACCOUNT, shewing the Average of Ten Years Collections from Footy Lands, in the Soubah of Owdh; and the Average of Ten Years Collections, Value and Rates of Produce of Footy Lands in the Soubahs of Agra, Allahabad, and Owdh, in the 24th Year of the Reign of Akbar, in the 16th Century.

NAMES of ARTICLES.	Average Collections of Owdh, per Begah.	Average Collections of the Three Soubahs.	Value of Produce, per Begah.	Agra Price Current.	Average Rate of Produce in Three Soubahs.
SPRING HARVEST.					M. S.
Wheat	46 Dams.	54 Dams.	162 Dams.	12 Da. p' M.	13 20 p' B.
Vetches	32	34	102	9	11 13
Adess, a Lentil	20	24	72	12	6 0
Barley	41	48	144	8	18 0
Linseed	25	28	84	10	10 16
Maasser	62	62	186	18	10 14
Arzen, a kind of Millet	17	19	51	6	9 20
Mustard	29 ½	30	90	12	7 20
Peas	22	26	78	6	13 0
Fenugreek	68	59	177	10	17 30
Shaly Kaur, a particular kind of Rice	38	41	123	7	17 25
Pot Herbs	50	50	150	—	—
Ajewain, an inferior kind of Aniseed	66	68	204	2 p' Seer	2 22
Onions	71	72	216	40 p' M^{d}	5 16
Carrots	54	38	114	3 p' Seer	0 38

	R.	A.
Average Revenue of 15 Articles of the Spring Harvest, 42 Dams, a'	1.	1.
Average Produce	3.	3. p' Begah.

AUTUMN HARVEST.					
Shaly Mushkun	58	63	189	10 p' M^{d}	18 36
Common Rice	34	42	126	13	9 30
Mash	28	32	96	16	6 0
Mowng	36	37	111	18	6 7
Jewar, a kind of Pea	31	30	90	10	9 0
Shamakti, a grain resembling Poppy Seed	11	12	36	4	9 0
Gall, a grain resembling Mustard	14	15	45	8	5 25
Koderam	25	27	81	7	11 25
Sesame, a grain of which Oil is made	41	36	108	20	5 16
Tureyah, a grain resembling Mustard	27	32	96	19	5 0
Turmerick	100	100	300	2 p' S.	3 30
Water Melons	16	12	36	from 2 a' 1 each	—
Common Sugar Cane, producing Malasses	94	108	324	31	10 18
Pot Herbs	19	64	192	—	—
Mowth	26	25	75	12	6 10
Lyduah	28	26	98	8	9 30
Arzen, a kind of Millet	20	23	69	8	8 35
Korey	10	11	33	7	4 30
Indigo	138	139	417	—	—
Par	220	126	398	—	—
Cotton	71	76	228	26 p' M^{d}	8 30
	1,097				

	R.	A.
Average Revenue of 21 Articles of the Autumn Harvest, 52 ¼, a'	1.	5.
Average Produce	3.	15.
Average Revenue, both Harvests	2.	6.
Produce p' Begah	7.	2.

GENERAL

GENERAL ABSTRACT of the Average of Ten Years Collections

NAMES of SOUBAHS.	AVERAGE COLLECTIONS PER BEGAH.		
	Spring Harvest.	Autumn Harvest.	BOTH.
	R. A. P.	R. A. P.	R. A. P.
Agra	41 Dms - 1 0 6	45 Dms - 1 2 0	86 Dms - 2 2 6
Allahabad	46 - - 1 2 6	46 - - 1 2 6	92 - - 2 5 0
Owde	42 1/15 - 3 4 0	52 1/4 - - 1 5 0	95 - - 2 6 0
	129 1/15 - 3 4 0	143 1/4 - - 3 9 6	273 - - 6 13 6
Average of the three Soubahs	43 - - 1 1 4	47 1/3 - - 1 3 2	91 - - 2 4 6

2 Sicca Wt - - - - 1 Dam.
30 Dams - - - - 1 Seer or 60 Sa Wt.
40 Dams - - - - 1 Rupee.

AN ACCOUNT of the present Rates and Value of the Produce of Lands in seven Villages

VILLAGES.	LANDS.	PRODUCE, 3 Cutcha make a Puckah Maund.				
		Moorey.	Paddy.	Wheat or Barley	Paddy Straw.	Wheat Straw.
		R. A. P.	Mds.	Mds.	R. A. P.	R. A. P.
Bhaturah	1st sort	- - -	- - -	45.	- - -	4. 0. 0.
	2d sort	- - -	- - -	40.	- - -	3. 0. 0.
	3d sort	- - -	- - -	30.	- - -	2. 0. 0.
	Average	- - -	- - -	38 1/3.	- - -	3. 0. 0.
Chunderdeah	1st sort	- - -	- - -	35.	- - -	3. 0. 0.
	2d sort	- - -	- - -	25.	- - -	2. 0. 0.
	3d sort	- - -	- - -	20.	- - -	1. 8. 0.
	Average	- - -	- - -	26 2/3.	- - -	2. 2. 3.
Domrany	1st sort - 2 Harvests	- - -	15	40.	1. 0. 0.	3. 0. 0.
	2d sort - 1 Harvest	- - -	- - -	50.	- - -	4. 0. 0.
	Medium	- - -	15	45.	1. 0. 0.	3. 8. 0.
Soofrey	1st sort - 2 Harvests	5. 0. 0.	- - -	40.	1. 0. 0.	3. 0. 0.
	2d sort - 1 Harvest	- - -	- - -	50.	- - -	4. 8. 0.
	3d sort	- - -	- - -	40.	- - -	3. 0. 0.
	Average	5. 0. 0.	- - -	43 1/2.	1. 0. 0.	3. 5. 4.
Nuttoorah	1st sort - 2 Harvests	- - -	15	20.	1. 0. 0.	1. 0. 0.
	2d sort - 1 Harvest	- - -	- - -	30.	- - -	2. 0. 0.
	2d sort	- - -	- - -	25.	- - -	1. 12. 0.
	3d sort	- - -	- - -	20.	- - -	1. 0. 0.
	Average	- - -	15	23 3/4.	1. 0. 0.	1. 7. 0.
Gopaulpore	1st sort	- - -	- - -	25.	- - -	1. 12. 0.
	2d sort	- - -	- - -	15.	- - -	1. 0. 0.
	3d sort	- - -	- - -	10.	- - -	0. 10. 0.
	Average	- - -	- - -	16 1/3.	- - -	1. 2. 0.
Bhurgah	One Harvest	- - -	15	- - -	1. 0. 0.	- - -

and Produce of Pooley Lands, in the 24th year of Akbar Shaw.

AVERAGE PRODUCE PER BEGAH.

Spring Harvest.	R.	A.	P.	Autumn Harvest.	R.	A.	P.	BOTH.	R.	A.	P.
123 Dms - -	3	1	6	135 Dms - -	3	6	0	258 Dms - -	6	7	0
138 - - -	3	7	6	138 - - -	3	7	6	276 - - -	6	15	6
127 - - -	3	3	0	159 - - -	3	15	0	284 - - -	7	2	0
388 - - -	9	12	0	430 - - -	10	12	6	718 - - -	20	8	6
129⅓ - - -	3	4	0	143⅓ - - -	3	9	6	239⅔ - - -	6	13	6

near Mirzapore, in the Province of Benares, carefully taken on the spot; year 1800.

VALUE OF PRODUCE.												TOTAL.		
Mocrey.			Paddy, 4 Cs M. per R.			Wheat or Barley, 3 Cs M. per R.			Paddy Straw.			Wheat Straw.					
R.	A.	P.	R.	A.	P.	R.	A.	P.	R.	A.	P.	R.	A.	P.	R.	A.	P.
-	-	-	-	-	-	15	0	0	-	-	-	4	0	0	19	0	0
-	-	-	-	-	-	13	5	4	-	-	-	3	0	0	16	5	4
-	-	-	-	-	-	10	0	0	-	-	-	2	0	0	12	0	0
-	-	-	-	-	-	12	12	5	-	-	-	3	0	0	15	12	5
-	-	-	-	-	-	11	10	8	-	-	-	3	0	0	14	10	8
-	-	-	-	-	-	8	5	4	-	-	-	2	0	0	10	5	4
-	-	-	-	-	-	6	10	8	-	-	-	1	8	0	8	2	8
-	-	-	-	-	-	8	14	2	-	-	-	2	2	8	11	10	0
-	-	-	3	12	0	13	5	4	1	0	0	3	0	0	21	1	4
-	-	-	-	-	-	16	10	8	-	-	-	4	0	0	20	10	8
-	-	-	3	12	0	15	0	0	1	0	0	3	8	0	20	14	0
5	0	0	-	-	-	13	5	4	1	0	0	3	0	0	22	5	4
-	-	-	-	-	-	16	10	8	-	-	-	4	0	0	20	10	8
-	-	-	-	-	-	13	5	4	-	-	-	3	0	0	16	5	4
5	0	0	-	-	-	14	7	1	1	0	0	3	5	4	19	12	5
3	12	0	-	-	-	6	10	8	1	0	0	1	0	0	12	6	8
-	-	-	-	-	-	10	0	0	-	-	-	2	0	0	12	0	0
-	-	-	-	-	-	8	5	4	-	-	-	1	12	0	10	1	4
-	-	-	-	-	-	6	10	8	-	-	-	1	0	0	7	10	8
3	12	0	-	-	-	7	14	8	1	0	0	1	7	0	10	8	8
-	-	-	-	-	-	8	5	4	-	-	-	1	12	0	10	1	4
-	-	-	-	-	-	5	0	0	-	-	-	1	0	0	6	0	0
-	-	-	-	-	-	3	5	4	-	-	-	0	10	0	3	15	4
-	-	-	-	-	-	5	8	10½	-	-	-	1	2	0	6	10	10
-	-	-	-	-	-	3	12	0	-	-	-	1	0	0	4	12	0

No. 1.—part 2.

Answers by the COLLECTORS.

Bhaugulpore, 4 January 1802.

REMARKS.

By deducting one fourth from the rates of produce in the reign of Akber, to make up the difference between the maund of 60 and the maund of 80 Sa Wt to the seer, the former and present produce will be found very nearly to correspond. Considering the increase in the price, the value of the present produce will appear nowise extraordinary; and it is to be recollected that the rates of produce here adverted to, are not those of a casual season, of a few insignificant villages, but the average of many years produce, carefully collated, of twelve united kingdoms.

From the arid state, and total want of pasture for cattle, in the province of Benares, for many months of the year, the wheat and barley straw sells usually for as much as will pay the rents.

ARTICLES.	* Produce in the Reign of Akbar, reduced to Calcutta Wt.				Price Current.	Price Current Mirzapore, May 1801.
	M. S. C.	M. S. C.	M. S. C.	R. S. C.	R. A. P.	R. A. P.
Wheat	13. 20. 0.	9. 0. 0.	6. 26. 4.	9. 28. 12.	0 6 6	0 16 9
Barley	13. 20. 0.	9. 15. 0.	6. 11. 4.	9. 28. 12.	0 4 9	0 13 0
Rice	12. 30. 0.	9. 15. 0.	7. 1. 4.	9. 28. 12.	0 6 9	1 3 3
					1 1 6	3 0 0
Average					0 5 9	1 0 0

* 1 Quart - - 1 Seer. 5 Pecks - - 1 Maund.
1 Gallon - - 4 Seers. 1 Bushel - - 32 Seers.
10 Gallons - - 1 Maund. 1 Quarter - 6 M. 16 Seers.

Good land produces in England 5 quarters of wheat or barley per acre, middling land 4 quarters, or 25 M. 24 S.—3 begahs make an acre; consequently, the medium produce of land in the reign of Akbar, nearly corresponds with the present medium produce of lands in England.

PRICE CURRENT.

ARTICLES.	Agra Price Current, in the Reign of Akbar, of 8 S.W. to the Seer.	Mirzapore Price Current, May 1801, per Maund of 80 S.W.	Calcutta Price Current, May 1801, per Maund of 80 S.W.
	A. P.	R. A. P.	R. A. P.
Wheat	0 6 6	0 15 0	0 11 0
Barley	0 4 3	0 13 0	0 7 0
Common Rice	0 6 9	1 3 6	0 14 0
Mustard	0 6 6	1 0 0	1 1 6
Peas	0 3 3	0 13 0	—
Linseed	0 5 6	0 13 0	—
Fenugrick	0 4 3	2 0 9	—
Shaley Kour	0 3 9	1 0 6	—
Mowry	0 9 9	1 3 6	1 1 6
Jewar	0 5 6	0 13 0	—
Shamatih	0 2 3	1 0 6	—
Kodo	0 3 9	0 13 0	—
	3 14 0	12 8 9	—

No. 1.—part 2.

Answers by the COLLECTORS.

Bhaugulpore, 4 January 1802.

General ESTIMATE of the Consumption of natural and manufactured Produce in the Company's Provinces, *Bengal*, *Bahar*, &c., supposing them to contain 15 Millions of Native Inhabitants.

Number of Persons.	Number of Families of four Persons.	Average Rate of each Person per Month.	Average Rate of each Family per Month.	Average Rate of each Family per Annum.	Total Consumption per Annum.
		R^s. A^s.	R^s.	R^s.	R^s.
—$\frac{1}{2}$	1,25,000	6 4	25	300	3,75,00,000
1	2,50,000	3 12	15	180	4,50,00,000
1$\frac{1}{2}$	3,75,000	2 8	10	120	4,50,00,000
2	5,00,000	2 —	8	96	4,80,00,000
3	7,50,000	1 8	6	72	5,40,00,000
5	12,50,000	1 —	4	48	6,00,00,000
1$\frac{1}{2}$	3,75,000	— 12	3	36	1,35,00,000
—$\frac{1}{2}$	1,25,000	— 8	2	24	30,00,000
15 M^{ds}	37,50,000	Families.			30,60,00,000
				R^s	
4,000	Europeans of the	1st Rank a	75 R^s per Mo.	or 900 per Ann.	36,00,000
3,000	— — —	2^d — —	30 — —	360 — —	4,80,000
13,000	— — —	3^d — —	8 — —	96 — —	12,48,000
	Total Consumption of European and Native Inhabitants — —				31,13,28,000
	Animals: Elephants, at 10 R^s per month; camels and horses at 4R^s; draft and carriage bullocks at 2 R^s; sheep, goats, hogs, poultry included, adequate to the consumption of 1,25,000 families, at 24 R^s per annum. — — — — — Exclusive of the straw and provender of ordinary cattle, which are incalculable, but would alone amount to a very considerable sum.				30,00,000
	TOTAL — — R^s				31,43,28,000

When the season admits, goods of every sort are transported from place to place on Byparies bullocks, and the number is incredible.

Suppose four-fifths of the expenses of the natives (exclusive of raiment) to be for food and other necessaries, the average daily expenses of the families of the

	R^s	A.	P.
1st Class will be — — — — — — —	—	10	8
2^d d^o — — — — — — — —	—	6	5
3^d - d^o — — — — — — — —	—	4	3
4th - d^o — — — — — — — —	—	3	1
5th - d^o — — — — — — — —	—	2	7
6th - d^o — — — — — — — —	—	1	8
7th - d^o — — — — — — — —	—	1	3
8th - d^o — — — — — — — —	—	—	10

R^s 1 14 9 for the total expenditure of eight families of four persons (raiment excepted) and including the prince and the beggar.

One-fifth being reserved for clothing, the expenditure allowed for this article, in the families of the

	R^s	A.	P.
1st Class will be — — — — — — —	5	—	—
2^d - d^o — — — — — — — —	3	—	—
3^d - d^o — — — — — — — —	2	—	—
4th - d^o — — — — — — — —	1	10	—
5th - d^o — — — — — — — —	1	3	—
6th - d^o — — — — — — — —	—	13	—
7th - d^o — — — — — — — —	—	9	7
8th - d^o — — — — — — — —	—	6	5

Persons of 1st Class — — — 1 4 — }
2^d - d^o — — — — 5 6 } for raiment and washing, per month.
8th - d^o — — — — 1 7 }

N.B. Nothing has yet been allowed for repairs of buildings or houses, cowhouses, granaries, which, at one rupee per annum each family, would amount to R^s 37,50,000.

The average expenditure allowed to the three first classes for food, &c. per day, is 1 A. 9 P^s per person; that for the five last classes, something less than — — — — — — — —

No. 1.—part 2.

Answers by the COLLECTORS.

Bhaugulpore, 4 January 1802.

seven or eight years of age are capable of gaining their own food, and are particularly useful in the families of the husbandmen. But,

It must be obvious, that the whole allowance made to the three superior classes for clothing, would not afford the head of a family a decent jamma or suit a year; and that, if the deficiency was supplied from the table allowance, the rest of the family must not only go without covering, but comparatively starve.

In the 1st Class of native inhabitants are considered,—the nabobs and their near relations, rajahs, superior zemindars, merchants, principal shroffs, banians, the gooroors and superior bramins, and other opulent inhabitants.

2d Class—Zemindars, principal renters, inferior shroffs, traders, head sircars, superior officers of the judicial courts, and the collectors, mohorirs, moonshees, cazees, muftis, 2d order of bramins, 1st rank of native officers of the army, native English writers in public and private offices; and, in general, all such as are not engaged in any mechanic or menial occupation.

3d Class—Inferior zemindars, renters, head mundoles, shopkeepers, sircars, gomastahs, dulolls, mohorirs, moonshees, &c.; native officers of the army, officers and attendants of superior zemindars, superior menial servants, &c. &c.

4th Class—Petty zemindars, renters, mundoles, sepoys, upper servants, head artificers and mechanics, petty gomastahs, podars, dulolls, pykars, superior weavers, petty shopkeepers and retailers, serangs, seaconies, &c.

5th Class—Superior labouring ryots occupying lands, servants, artificers, and mechanics, modies, distillers, confectioners, retailers of cowries, common weavers, washermen, common moonshees, mohorirs or mangees, tindals, sailors, &c.

6th Class—Second order of ryots occupying lands, ordinary artificers and mechanics, common servants, common lascars, bearers, coolies, dandies, fishermen, &c.

7th Class—Hired husbandmen, the ryots of the boundaries, herdsmen, shepherds, common labourers.

8th Class—The most indigent and lowest orders of society, mendicants, &c.

Europeans of the 1st Rank—The governor general and civil servants, the commander in chief and officers of the army, the judges and officers of the supreme court, principal servants, and gentlemen of the foreign settlements, merchants, &c.

2d Rank—Traders, shopkeepers, tradesmen, mechanics, writers in public and private offices, servants of the foreign settlements under council, pilots, commanders and officers of ships, the non-commissioned officers of the army.

3d Rank—The lower class of Europeans in general, soldiers, seamen, &c.

FACTS established by the preceding Accounts; and Deductions from them:—

That, in the reign of Akbar, the revenue was established, throughout the empire, at one-third of the produce.

That the revenue was received in kind, copper, or any other coin; which implies a deficiency of currency in gold and silver.

That the average of ten years collections of three soubahs, amounted to 2 R^{s} 4 A. 6 P^{s} per begah; and, consequently, that the value of the produce could not have been less than 6 R^{s} 13 A. 6 P. per begah: that the relative value of the produce, to gold and silver, since the reign of Akbar, has increased in the proportion of not less than 2½ to 1.

That, from an assessment considerably lower than the average collections of Akbar, the public revenue of the province of Benares has been doubled.

That the revenues of the soubah of Oude, very little superior in extent to Behar, amount to five times the revenue of Behar.

That, in the natural order of things, supposing the population and cultivation the same, and the laws of Akbar continued in force, the jumma of the provinces of Bengal, Behar, &c. should stand,

Bengal, at nearly	3,75,00,000
Behar	1,87,50,000
	5,62,50,000

But, on a proportionate increase only to Benares,

Bengal would stand at	3,00,00,000
Behar	1,50,00,000
	4,50.00,000

That, supposing the produce of lands in the Company's provinces, from remissions and carelessness of cultivation, of no greater value now than in the reign of Akbar, the lands, being assessed, on an average, at less than 8 annas per begah, are assessed at less than 1-13th of the produce: that, at this rate of assessment, it appears that the malguzary lands cannot much exceed 5,00,00,000 begahs, the revenue being only R^{s} 2,69,00,000, including fisheries and other articles.

That,

That, if Sir William Jones and other *highest* authorities, are accurate in estimating the population of the Company's provinces at not less than 3,00,00,000, the produce of 5,00,00,000 begahs, at the above rate of 6 R^{s} 13 A. 6 P. per begah, appears little more than adequate to half the consumption* of the inhabitants; and, consequently, that the rent-free lands cannot but be nearly equal, if not fully equal, in extent and value, to the Khalsah or Malguzarry lands, and the revenue is not adequate to 1-25th part of the produce.

Lackerage Lands in Bhaugulpore:

Millick, Birmoter, Sheebooter and Dheoter, Bhutooter, Peeraun, Muskun, Moohootrane, Khannahbarry, Enam Fussilannah, Khoon Buhah, Mookberrah, Modutmass.

(Burdwan.)

To G. DOWDESWELL, Esq.

Secretary to Government, Judicial and Revenue Department, Fort William.

SIR,

I HAVE the honour to acknowledge the receipt of your Letter of 17th April last, and to transmit my Answers to the circular Interrogatories of Government of 29th October last, framed with a reference to that date. With respect to the delay which has been incurred in the performance of this duty, I beg to observe that, on my arrival in this district three months ago, I found an entire want of the necessary materials for the execution of it, and that, consistently with a due attention to the general duties of my office, I have not been able to finish it at an earlier period.

His Excellency the Most Noble the Governor General having returned to the Presidency, I have not thought it necessary to transmit to his Lordship a separate Copy of the enclosed Answers.

I am, Sir, Your most obedient servant,

Burdwan, 8th June 1802.

(Signed) *W. Parker*, Coll^{r}.

QUESTIONS.—1.—Are the crops of the present year expected to be productive?

ANSWERS.—The crops of the present year are not expected to be productive in Burdwan, by reason of a destructive inundation of the country in the rainy season. It is computed, that in the district at large, the produce will be deficient by a proportion of one-fourth, compared with the produce of a favourable year.

2.—What is the amount of the balances outstanding in your district on account of the past year, and what is the state of the collections for the present year?

The balances outstanding at the date of this Report, on account of the past Bengal year 1207, amount to S.R^{s} 79,944. 12. 1. 2. The amount realized at this date, on account of the revenue of the present year, is less, by the sum of S. Rupees 1,47,691. 6. 1. than the amount realized at the same period in the past year.

3.—What is the amount of the jumma of the lands which have been or are expected to be sold in your district for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

The jumma of the lands which have already been sold for the recovery of the balances of the past year, amounts to S.R^{s} 1,48,639. 13. 15. and the sale proceeds of such lands to S.R^{s} 56,722. The jumma of the lands still liable to sale, amounts to something less than S.R^{s} 5,000. The cause of the unfavourableness of the sales appears to have been a want of assets, at the time of sale, in the mehals sold, which have been for the most part of the worst description.

4.—Are the existing Regulations for collecting the revenue of Government, from zemindars and other proprietors of lands, with whom a permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without, at the same time, affecting the security or value of landed property?

This being entirely a question of opinion, I beg to refer to the answer submitted by me from the district of Jessore; since the date of which, I have found no reason to alter the opinion I then entertained.

5.—Are the existing Regulations for collecting the revenue of Government, from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

Ditto. Ditto.

6.—Are

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* See Account, Estimate of Consumption.

No. 1.—part 2.

Answers by the COLLECTORS.

Burdwan, 2 June 1802.

6.—Are the existing Regulations for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers, and from their ryots, well calculated for the purposes intended, without, at the same time, affording to the proprietors and farmers of land, the means of oppressing their under farmers and ryots?

Ditto. Ditto.

7.—When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

I was appointed Collector of Burdwan in the end of December 1801. The cultivation of the district is supposed to have been very considerably extended, not less than in a degree of one eighth, since the conclusion of the Decennial Settlement. I suppose the uncultivated land in the district, at present, to bear a proportion of one-eighth to the cultivated land.

8.—Do the proprietors of estates, in general, derive a profit exceeding the ten per cent. on the jumma, the profit estimated to be left to them on the conclusion of the Decennial Settlement?

The most considerable proprietor of land in the district, the zemindar of Burdwan, does not, I imagine, derive a profit exceeding five per cent. on his jumma; and I am inclined to think that the district at large does not yield a profit exceeding, if equal, to ten per cent. on the assessment of it.

9.—What is the present state of the embankments in your district?

The embankments of the district are, at the date of this Report, in a good and secure state, considering the severity of the past season.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

The established embankments of the district, with few exceptions, are repaired either at the expense of Government, or of the zemindar of Burdwan; and I do not understand that any additional embankments, or works of that nature, are commonly constructed by the other proprietors of lands, with a view to the improvement of their own estates. Tanks are already sufficiently numerous in most parts of the district, and the number of them is occasionally increased by the ryots, who on such occasions pay the amount of ten year's revenue of the ground to the proprietors.

11.—Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land in general, previously to the conclusion of that settlement; and is the situation and condition of the ryots or immediate cultivators of the soil, in every respect as comfortable as can be expected?

Of late years, the proprietors of land are thought to have conducted themselves towards their ryots with more moderation, and with greater attention to the principles of good faith, than formerly, and the condition of the ryots appears to me as comfortable as can be expected, or desired.

12.—What is the state of the roads in your district? Are there any parts of the district, the making of roads through which would be particularly beneficial to the country; and what would be the expense attending the work?

Under the orders of the Magistrate, various useful roads have been constructed by the convicts; and as they are still employed in this desirable manner, a gradual increase in the number and extent of the roads may be expected. Recently arrived, as I am, in the district, and this object of public benefit already so well attended to, I beg that my suggestions on the subject may be dispensed with.

13.—What is the estimated number of the inhabitants of your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

In a district so extensive as Burdwan, more time than I have had is necessary for forming an accurate estimate of the population, on data obtained by individual enquiry. After referring, however, to all the official documents on the subject within my reach, and receiving such information as I have been able to procure, I compute the number of the inhabitants of Burdwan to be 40 lacs, and the proportion of Mussulmen and Hindoos, to be three of the former to thirteen of the latter.

14.—What are the most valuable articles of produce in your district; and has the cultivation of them particularly increased of late years? What is supposed to be the cause of that increase?

Sugar-cane, indigo, pawn, cotton, tobacco, and mulberry, are, I believe, the most valuable articles of produce in this district. Beetlenut is also produced in a small quantity.

In

In the progressive improvement and extension of the general cultivation of the district the culture of the above articles, which commonly yield a considerable profit to the cultivator, has also of late years been increased; but not, it is supposed, in any extraordinary degree.

15.—Are the stamp duties becoming more productive; and what sum do you expect those duties will produce in your district, in the present year?

In 1206 B.S. the stamp duties yielded S.R^{s} 4,999. 8.; in 1207 B.S. S.R^{s} 16,014. 10.; and in 1208 B.S. S.R^{s} 15,434. 6. In the present year, I estimate their produce at S.R^{s} 13,000.

16.—Are the abkarry collections increasing or decreasing?

In 1206 B.S. the abkarry collections amounted to S.R^{s} 47,410; in 1207 B.S. to S.R^{s} 45,480, and in 1208 B.S. to S.R^{s} 43,582. 14.

17.—Are there any articles in your district, on which a productive tax might be levied, without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

I know of no articles on which a productive tax could be levied, without oppression to the people. A tax on tobacco, pawn, and beetle-nut, has already been contemplated by Government, and was strongly objected to by the late Collector, in his Report to the Board of Revenue, of the 14th April 1801.

18.—What are the descriptions of rent-free lands in your district, and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

The rent-free lands in Burdwan are of various denominations, viz. Bromooter, Dewutter, Shewutter, Bishnooter, Peerooter, Mohoteran, Tuckeraul, Khunabaree, Cheraghee, &c. The value of the produce of them is estimated to bear a proportion of one-fourth to the jumma of the lands which pay revenue to Government.

19.—Which of these descriptions of lands are in general in the best state of cultivation; the rent-free lands, or the lands which pay revenue to Government?

The revenue lands are in general of a better quality, and in a better state of cultivation, than the rent-free lands.

20.—What descriptions of old rupees are current in your district?

The old rupees chiefly in circulation in Burdwan, are of the years 10, 11, 12, and 15. A few other sunwauts are occasionally to be seen, but are not common.

21.—What is the reason that these rupees continue in circulation, and how are they replaced as they become worn and diminished in value; the 19 sun sicca rupee being the only description of rupee struck in the provinces, and that being the rupee in which the public revenue ought to be paid?

The old rupees not having been delivered for recoinage, as required by the Regulations, a general consent seems to have been established for taking them at a batta, or allowance proportionate to the diminution of their value. I am not of opinion, that, as they become more worn, other old rupees are introduced in lieu of them, but that they still continue to circulate, by means of the regulation of the batta at which they pass.

22.—What rules would you recommend to be adopted for the purpose of introducing the 19 sun sicca rupees into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee?

The fixing a further period for the old rupees to be delivered for recoinage, and the institution of severe penalties on the tender of them after the expiration of that period, are the only means which occur to me for introducing the 19 sun sicca rupee into exclusive circulation.

23.—Do gold mohurs circulate in your district; to what extent, and do they pass at par, that is, for the value of 16 sicca rupees, when tendered for the purchase of goods; in payment of private debts and public demands, it is, of course, received at the rate which the law requires?

Gold mohurs are in very general circulation in Burdwan, the value of not less than three-fourths of the whole circulating specie of the district being supposed to be in that coin; and I understand that they always pass in the instances adverted to in the question of Government, as equal to 16 sicca rupees.

24.—Has the establishment of the currency of the gold mohur in the interior of the country operated beneficially or otherwise?

By facilitating the adjustment of pecuniary transactions, and by expediting and reducing the expense of the transportation of treasure, the establishment of the currency of the gold mohur has operated beneficially.

No. 1.—part 2.

Answers by the COLLECTORS.

Burdwan, 8 June 1802.

25.—What progress has been made by you, in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands held exempt from the payment of revenue?

A rough draft of 3,324 numbers, to the letter T of the alphabet, has been formed of the Quinquennial Register, No. 2, or that for the years 1202 to 1206 B.S. inclusive. This draft, however, is very incomplete and incorrect, and must be entirely re-made. The register of the lands held exempt from the payment of revenue has not been commenced, nor have the papers requisite for the commencement of it been yet delivered. I have issued advertisements requiring the delivery of them, and have otherwise adopted the necessary preliminary measures for forming the register, as well as that of the lands paying revenue to Government.

26.—What descriptions of persons are, in general, the purchasers of the lands disposed of by public sale in your district; and is the system of management of the those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

Few estates of any magnitude have been sold in this district, excepting sundry portions of pergunnah Bishenpore, the property of Rajah Choiton Sing, and of the zemindarry of Burdwan, the property of Maha Rajah Tezchund Behadur. The purchasers have chiefly been men who had acquired capitals by trade, or by service. In Bishenpore, the management of any new proprietors must necessarily have been better than that of the old zemindar Rajah Choiton Sing, who was constantly engaged in dissensions and disputes with his relations; and an obvious improvement in the management of the lands transferred in that pergunnah (with an exception to those between the purchasers of which, and the late proprietor, contentions have arisen, and which, in consequence, are now under the charge of a special Commissioner) is accordingly perceptible. With respect to the purchasers of portions of the zemindarry of Burdwan, they also have observed a more vigilant and active system of management, and have found it easy to do so, than the lands experienced when they formed a part of the extensive domains of the zemindar.

27.—Are you of opinion that any of the proprietors of lands in your district would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma); and how many years purchase do you suppose the proprietors would offer for such remission?

I am inclined to think that some of the proprietors of land in this district would pay five years purchase for the permanent remission of a part of the fixed jumma of their lands; but I cannot state, with any confidence, the aggregate amount of the jumma of which they would be disposed or enabled so to purchase the remission.

28.—What is your opinion as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

I do not perceive that the measure adverted to in the preceding question would operate to produce any general improvement of the country, since it appears to me that it could only be engaged in by the opulent class of proprietors, who are already exempt from any difficulties in the management of their estates. Could proprietors of a contrary description, whose assessments bear heavy on them, be supposed capable of availing themselves of the arrangement in question, the relief to be obtained by it would be evidently calculated to promote the future improvement of their lands, at the same time that the demand of Government being lessened, without any diminution being occasioned in the security for the discharge of it, an additional certainty would be established for the punctual recovery of the public revenue.

(Signed) *J. Parker*, Collr.

Burdwan, 29th October 1801.

(Zillah)

No. 1.—part 2.

Answers by the COLLECTORS.

(Zillah Chittagong.)

To His Excellency the Most Noble Richard MARQUIS WELLESLEY, K. P. Governor General, &c. &c. &c.

Zillah Chittagong, 17 March 1802.

My Lord,

IN obedience to the orders of the honourable the Vice President in Council, I do myself the honour to transmit, for the consideration of your Lordship, my Reply to the Interrogatories regarding the internal state of the country.

I have the honour to be,
My Lord,
Your Lordship's most obedient and most humble servant,
(Signed) *R. Ker*, Coll.

Zillah Chittagong,
17th March 1802.

INTERROGATORIES:—1. Are the crops of the present year expected to be productive?

ANSWERS:—1. The crops of the present year have been more abundant than for some years past.

2. What is the amount of the balances outstanding in your district, on account of the past year; and what is the state of the collections for the present year?

2. The outstanding balances on account of the past year, amount to Rs. 1,506, of which sum Rs. 542 are in a train of liquidation. The balance exhibited in the Mang Towjee of the past year, amounted to Rs. 87,654; the balance in the Mang Towjee of the present year, to Rs. 60,741; and the total demand on the district for the current year, at the present period, amounts to Rs. 51,513.

3. What is the amount of the jumma of the lands which have been or are expected to be sold in your district, for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

3. The jumma of the lands which have been sold for realizing the balances of the past year, amounts to Rs. 6,522, and the aggregate proceeds of the sales, to Rs. 22,682, which is considered a favourable price. The jumma of the lands expected to be sold amounts to Rs. 319.

4. Are the existing Regulations for collecting the revenue of Government from the zemindars and other proprietors of lands, with whom a permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without at the same time affecting the security or value of landed property?

4. The existing Regulations are well adapted to secure the punctual collection of the public revenue from the principal zemindars in Chittagong Proper; but from the nature of the settlement of Sundeep and its dependencies, the general rule of attachment cannot be carried into effect, because the proprietors of this joint pergunnah, at the formation of the Decennial Settlement, executed separate engagements for the payment of the jumma assessed upon their respective shares; and their claims to distinct lands forming these shares, have never been ascertained; there has been a proportionate allotment of the public assessment, without any subdivision of territory, the landholders stand recorded as separate proprietors of distinct estates, whereas they are only sharers of a joint undivided pergunnah. The demand of the zemindars is limited upon the talookdars, and fixed at a specific amount; one talookdar in general contributes in defined proportions to several zemindars; hence if the entire estate of one defaulter be attached, the portions of the estates of other proprietors must necessarily be included; and in attaching an entire estate, as recorded on the public registers, it is necessary to attach the whole of the pergunnah, because the estates recorded as separate and distinct, are only fractional portions of the pergunnah.

The Regulations, in my opinion, are not calculated to realize the public demand with promptitude and facility, from the petty zemindars of this district. The minute subdivision of the landed property in this province, arising from the prescriptive right, which the occupants have enjoyed since the formation of the first jummabundy by Mr. Verelst, of transmitting their lands by inheritance, mortgage, or sale; and from the recognition of that right in the practice of the Dewanny Adawlut since its first institution; has fixed a value on real property here, which is not attached to it in other parts of Bengal, and has given existence to a numerous body of landholders unknown elsewhere: they feel themselves confirmed, by custom and a series of precedents of the Civil Court, as the actual proprietors of the soil of even the smallest portion into which land can be divided; secure in their possessions, and independent, they despise controul, and in general only pay their revenue when convenient to themselves. If recourse be had to attachment, the concomitant expense is excessive in proportion to the arrear and value of the estate; and it has been found ineffectual to adopt the system of distraining their personal property, as it is only productive of causing the elopement of the defaulters, and the concealment of their effects: All deputations therefore made with a view to the distraint and sale of personal property, tend only to harass the incumbents, without any real advantage to Government. As these

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zemindars in general follow their own ploughs, and are the immediate cultivators of the soil, they differ only in name from inferior tenantry, and therefore might be rendered subservient to the same rules; and it would contribute much to the punctual collection of the public revenue, if the collector of this district were authorized, without any previous application to the Dewanny Adawlut, to proceed against defaulting proprietors whose annual revenue may be under 50 Rs. in the same manner as he is authorized by section 25 of Regulation VII, 1799, to proceed against the under-tenants of an estate that may become subject to a khas collection on the part of Government.

The proprietors of land in this province, complain that the rule of attachment and sale is severer than personal restraint, upon a principle that temporary coercion is less oppressive than inevitable ruin; and I am of opinion that there should be some gradation of punishment; for although the arrears are in most instances ascribable to a want of good faith on the part of the landholders, immediate attachment, which is generally accompanied with ruin, is a punishment disproportionate to the crime. A limited power vested in the Collector, of confining proprietors of land who might fail in the discharge of the public revenue, would not only, it is conjectured, operate as a sumptuary law, but as a prevention of default; and an active superintendence on the part of the Collector, might insure the punctual payment of the public dues. Sales of land ought to be avoided as much as possible in this district, because almost every transfer made by public sale, diminishes the assets from which Government derive the revenue; the ancient zemindars in general possess charity lands, from the produce of which they contribute to the public resources, but the present purchasers in general have no such means.

5. Are the existing Regulations for collecting the Revenue of Government from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

5. The existing Regulations in my opinion are well calculated to ensure the punctual collection of the public revenue from sudder farmers; and if, in the first instance, attention be paid to the capacity and character of the farmer, and if a fair profit be allowed to him as a compensation for his labour, it is impossible that default can ensue, unless some unforeseen calamity of season intervene.

6. Are the existing Regulations for enabling the zemindars and other proprietors of land and farmers of land, holding their farms immediately of Government, to realize their rents from their under-farmers, and from their ryots, well calculated for the purposes intended, without at the same time affording to the proprietors and farmers of land the means of oppressing their under-farmers and ryots?

6. The independent proprietors of land and sudder farmers, by the existing Regulations of Government, do not possess the means of oppressing their under-farmers and ryots. The powers which the landholders and farmers of land, paying revenue to Government, are at present allowed for enforcing payment of the rents due to them from their under-tenants, if exercised, are sufficiently adequate to secure the advantages intended; but the consummate ignorance of every description of landholders in this province, of the Regulations of Government; their abhorrence of innovation, and their prejudiced partiality for local usages and customs; have rendered nugatory the authority purposely delegated to enable them to controul their under-tenants.

7. When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

7. I had the honour of being appointed Collector of this district on the 30th October 1800.

At the formation of the Permanent Settlement, there were 3,116 doons of cultivated land comprized in the Noabad Mahal; and by the recent measurement, an increase of 3,000 doons has been obtained.

From the several measurements and surveys of this province, it appears that the cultivated land amounts to 58,056 doons, and the waste land susceptible of improvement, to 3,542 doons.

8. Do the proprietors of estates in general derive a profit exceeding the 10 per cent. on the jumma, the profit estimated to be left to them on the conclusion of the Decennial Settlement?

8th. The proprietors of estates in Chittagong Proper, derive a neat profit of 16. 2 per cent. upon the jumma; and the proprietors of estates in Sundeep and its dependencies, a profit of 20 per cent. on the jumma.

9. What is the present state of the embankments in your district?

9. In this province there are no embankments which are considered as public works.

10. Do the proprietors of land in general attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

10. Chittagong being a maritime province, is exposed to numerous disadvantages incidental to its situation. The proprietors whose estates lie along the coast, are compelled to guard them from the invasion of the sea; and the lands in the interior of the district are subject to inundation during the periodical rains, from the torrents that pour from the hills

and mountains bursting their banks; but the exertion and industry of the inhabitants seem to have increased in proportion to the obstacles opposed to them; and such is the attention paid by the proprietors of land in general to the permanent improvement of their estates, that in carrying into effect the orders of Government, under date the 28th December 1801, respecting the repair of embankments, it was only found necessary to call upon the landholders in the Banscallee division bordering on the sea; and upon the orders of Government being communicated to them, they evinced the greatest alacrity to comply, and the work has been commenced upon.

The Resolutions passed by Government with regard to the disposal of the forest lands in this province, may operate as a check upon general improvement, because they appear to be a direct tax upon industry, which is a great discouragement to improvements, because the more the landholder improves, the deeper he is taxed.

11. Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the Permanent Settlement, than was observed by the proprietors of land in general previously to the conclusion of that settlement; and is the situation and condition of the ryots, or immediate cultivators of the soil, in every respect as comfortable as can be expected?

11. The zemindars in general conduct themselves with moderation towards their undertenants, but this originates more from the fear of punishment than the love of justice. The zemindars and ryots, in their common transactions, seldom attend to the principles of good faith: between them their exists a mutual distrust; and the ruling passion that influences them in all their actions, is a strong self-interest that oversteps every bound of morality and virtue. The execution of specific engagements, and delivery of receipts for payments, which in all instances would tend to the security of the landholders and their tenants, are seldom tendered; and the almost total direliction of the performance of these reciprocal duties, is a strong proof of a want of honesty, both on the part of the zemindars and their ryots.

If comfortable habitations, and a numerous and healthy progeny, be proofs of a happy condition, the ryots in this province enjoy it in a high degree; and the small estates in this district have contributed much to increase population, and to rear a temperate and robust species of men, fit for every sort of labour.

12. What is the state of the roads in your district? Are there any parts of the district, the making of roads through which, would be particularly beneficial to the country; and what would be the expense attending the work?

12. The mounds that form the roads in the district, are in good repair, but the bridges, from having been built of wood, are in general decayed. There are no parts in this province, the making of roads through which, would be particularly beneficial to the country, because the general communication between the town of Islamabad and the interior, is by water.

13. What is the estimated number of the inhabitants of your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

13. The estimated number of inhabitants in this district is twelve hundred thousand, and the proportion that the Mahomedans bear to the Hindoos is as 5 to 3.

14. What are the most valuable articles of produce in your district; and has the cultivation of them particularly increased of late years? What is supposed to be the cause of that increase?

14. The only articles of produce in this district, which are considered worthy of notice, are cotton, hemp and beetle-nut.

The increase of cotton has been considerable of late years, which is to be ascribed to the high price it brings at the markets of Dewaee Callee, Dacca and Narain Gunge. Hemp has increased annually in proportion to the demand; the increasing number of vessels, and manufacture of canvass at this port, encourage the cultivation.

Beetle-nut has increased in quantity: the natives find this a lucrative article of trade, and now appropriate part of their lands to plantations of the tree. There is a prospect of this district supplying the markets of Pegue and Arracan with this article.

15. Are the stamp duties becoming more productive; and what sum do you expect those duties will produce in your district in the present year?

15. The stamp duties are becoming more productive: the sum produced by these duties in 1800, amounted to rupees 7,529: 12: and the sum produced in 1801, amounted to rupees 11,491. 4.

16. Are the Abkarry collection increasing, or decreasing?

16. In the present Bengal year, there has been an increase of rupees 963. 8.

17. Are there any articles in your district, on which a productive tax might be levied, without oppression to the people? Name the articles, the rate of tax, and the manner in which you would propose it to be levied.

17. The under-mentioned articles may be taxed, by paying duties at the custom house on exportation.

Planks, and Timbers of every description.—The duties to be levied on these articles, at an advance of fifty per cent. on the prime cost.

Canvas

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Canvas.—Duties to be levied on this article, at an advance of ten per cent. on the prime cost.

Piece Goods, and Cloths of every description.—Duties to be levied on the prime cost.

Stockings.—Duties to be levied, with an addition of five per cent. on the prime cost.

Cotton.—Duties to be levied on the prime cost.

Chattahs, or Umbrellas.—Duties to be levied on this article, at an advance of twenty per cent. on the prime cost.

18. What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

18. The rent-free lands in general consist of those granted as endowments on temples for the maintenance of Brahmins, and other religious or charitable purposes. The granters are the Nawabs of Moorshedabad, and the Mahomedan rulers, who formerly resided in this province.

The aggregate quantity of registered charity land is 22,271 doons, which being multiplied by 20, the averaged produce of a doon, gives 4,45,420 rupees; the jumma of the lands which pay revenue to government, amounts to rupees 5,39,467.

19. Which of these descriptions of lands are in general in the best state of cultivation, the rent-free lands, or the lands which pay revenue to Government?

19. The lands from which Government derive the revenue are in the best state of cultivation; which may be attributed to the following cause:

The peculiar characteristic which distinguishes the inhabitants of this province, is a strong natural tendency to become proprietors of real property; the predominant inclination that induces them to become landholders, produces every endeavour to retain permanent possession, which can only be effected by the punctual discharge of their revenue, the improvement and high cultivation of their lands, being the best method to secure these advantages, stimulate them to exert their skill, dexterity and judgment, in improving their malguzarry lands; whereas the occupancy of charity land being considered secure, the same precautions and exertions are not employed.

20. What descriptions of old rupees are current in your district?

20. Madras arcots, Ichaujee arcots, and Calcutta and Moorshedabad arcots.

21. What is the reason that these rupees continue in circulation; and how are they replaced as they become worn and diminished in value, the 19 sun Sa. rupee being the only description of rupee struck in the provinces, and that being the rupee in which the public revenue ought to be paid?

21. There are two causes that give duration to the currency of these rupees:—First, there is not a sufficiency of the established gold and silver coin in the province to circulate the annual produce or answer the demand: this appears from the inhabitants in the interior being necessitated to have recourse to barter in their small commercial dealings, and from grain being in general the standard measure of value in all transactions in the remote parts of the district.

It is evident that the power of exchanging must be embarrassed in its operations in proportion to the deficiency of the instruments of commerce and circulation; and the established coin being insufficient for these purposes, the inhabitants are compelled by irresistible reasons to have recourse to some other instrument of commerce; and the arcot rupees approaching nearer to the legal coin than any other instrument of commerce, a preference is given to them before any other commodity, and hence the continuance of their local circulation.

But the insufficiency of the legal coin not only gives a permanent currency to the arcot rupees, but enhances their value above their intrinsic worth, because the batta on arcot rupees increases in a direct proportion to the increase of the circulation of sicca rupees; and the batta decreases in a direct proportion to the decrease of the circulation of sicca rupees. Thus, during the collections of the public revenue, when the sicca rupee must necessarily be in the greatest circulation, the batta on the arcot rupee is 6 *r.* 4 *a.* per cent. in the interior, and 3 *r.* 2 *a.* per cent. in the town; and at the latter part of the year, when the public demand ceases, and there is a consequent partial stagnation of the circulation of the sicca rupee, the batta on the arcot rupee in the interior is 3 *r.* 2 *a.* per cent. and in the town there is a batta of 1 *r.* 8 *a.* per cent. on the arcot rupees diminished in value, and those that are not much worn pass at par. If the batta on the arcot rupee therefore decrease in a direct proportion to the decrease of the circulation of the sicca rupee, it follows that the value of the arcot rupee is enhanced in an inverse proportion to the decrease of the circulation of the sicca rupee; and if the batta on the arcot rupee increase in a direct proportion to the increase of the circulation of the sicca rupee, the value of the arcot rupee will be depreciated in a reciprocal ratio to the increase of the circulation of the sicca rupee;—hence, if there were a sufficient number of sicca rupees to answer the demand, and circulate the produce of the district, the value of the arcot rupees would suffer such a diminution as to throw them out of circulation.

Secondly. The proprietors and farmers of land deriving a considerable advantage from the local circulation of arcot rupees, contributes to the continuance of their currency.

In the interior of this district the arcot rupees, in all commercial transactions, pass at par, and the only instances where a batta is levied upon them, is by the proprietors and farmers of land, in making their collections from their under-tenants, which has been the

custom

custom from time immemorial, and by the merchants and traders in the town, in exchanging the arcot rupees collected by the zemindars. From what has been stated, it is evident that those landholders who are necessitated to exchange the arcot rupees for sicca rupees, derive a profit during the greatest part of the year of 3 *r.* 2 *a.* per cent. on their collections, and those landholders who can command a sufficiency of the legal coin to liquidate their instalments, derive a profit equal to the whole of the batta which they levy from their under-tenants.

The Ichaujee and Madras arcots are replaced by importation from the Coromandel coast, the Calcutta and Moorshedabad arcot are brought from the neighbouring districts.

22. What rules would you recommend to be adopted for the purpose of introducing the 19 sun sicca rupees into general circulation, and of rendering it advantageous to all persons to reject any other description of rupees?

22. If the value of the arcot rupee could be fixed at 16 annas sicca, the existing Regulations of Government remaining in full force, it would render it advantageous to all persons to refuse accepting them, because the loss that individuals would then sustain, would be in proportion to the profit they now derive, especially in this district, where almost every individual possessed of any considerable portion of personal property, is either directly or indirectly concerned paying money into the public treasury; but to increase the quantity of the legal coin, appears to me the most infallible method of throwing the arcot rupees out of circulation.

23. Do gold mohurs circulate in your district, to what extent; and do they pass at par, that is, for the value of 16 sicca rupees, when tendered for the purchase of goods? In payment of private debts and public demands, it is of course received at the rate which the law requires?

23. The gold paid into this treasury during the current Bengal year, amounts to rupees 4,13,100, and the circulation of the gold coin in the district, is estimated at five lacs of rupees, the gold mohur in general passes at par. The gold may maintain its intrinsic value, from its being less liable to diminish in weight than silver, which appears from the last dispatch of light specie sent to be recoined at the mint, in which there were 5,723 pieces of silver, and only 46 pieces of gold.

24. Has the establishment of the currency of the gold mohur in the interior of the country, operated beneficially or otherwise?

24. As the gold mohur passes at par, its currency is beneficial.

25. What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennical Register of the lands held exempt from the payment of revenue?

25. Owing to a want of materials, and from the Registers for past years being much in arrear, the Pergunnah Register has not been commenced upon; it will occupy fifteen mohurs, for a period of two years, to bring up the arrears only. Upon the conclusion of the settlement with the proprietors of the Noabad lands, which has heretofore employed, and which at present employs the whole of my time, every exertion will be made to bring up the arrears and prepare the prescribed Registers; and I hope in time to be able to complete the several Registers, the formation of which, has hitherto baffled all the endeavours of my predecessors.

26. What descriptions of persons are in general the purchasers of the lands disposed of by public sale in your district; and is the system of management of those purchasers, regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

26. The account sales of last year do not exhibit the name of an individual of any respectability. The purchasers in general are illiterate, and totally unqualified and incapable of managing their own concerns: the only estates that are expected to be sold for the recovery of the arrears of the current Bengal year, are those that were disposed of in liquidation of the balances of the past and former years, which is a strong proof of the mismanagement of the purchasers.

27. Are you of opinion that any of the proprietors of lands in your district would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands: suppose a proportion of 10 or 20 per cent. of that jumma; and how many years purchase do you suppose the proprietors would offer for such remission?

27. From the information I have been able to obtain, I am led to believe that none of the proprietors of land in this district would purchase of Government, the permanent remission of any part of the fixed jumma assessed upon their estates. If Government were to dispose of a portion of the lands comprized in the estates of the landholders to be held by them, exempt from the payment of revenue, and allow a deduction of the fixed jumma equal to the quantity of land thus alienated, and secure the rights of the purchasers by lakheraja sunnuds, it is conjectured that many of the zemindars would offer from 20 to 30 years purchase for such lands.

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28. What is your opinion as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question, (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

28. Admitting that a considerable portion of the fixed jumma could be disposed of in the manner proposed in the preceding interrogatory, it appears to me that it would not produce any immediate effect on the general improvement of the country; because it would be attended with no immediate advantage to the landholders by increasing their funds; and those individuals who are possessed of a capital or stock sufficient to enable them to purchase a remission, have at present the means of improving their estates.

Zillah Chittagong, 17th March 1802. (Signed) *R. Ker*, Collector.

(Dacca.)

To GEORGE DOWDESWELL, Esq., Secretary to the Government in the Revenue Department, Fort William.

Sir,

I HAVE now the honour to transmit, for the information of the Government, my Replies to the several Interrogatories which accompanied your letter of the 29th of October last. Considering the long time which has elapsed since the interrogatories were sent to me, probably more full and satisfactory answers than those I now send, might have been expected from me; but I beg leave to observe, that the duties of my office as Collector of Revenue, without the aid of an assistant, joined to the charge of the office of Collector of Government customs at this place for several months, have so fully occupied my time of late, that it has not been possible for me to give the questions all the attention they demand. Being aware, however, that they involve matters of the greatest magnitude in the affairs of this country, I did intend, with the view of investigating the various subjects they embrace, by every means in my power, and with the utmost diligence, to have postponed my answers to a more distant period, in hopes of being thereby enabled to lay them before the Government, drawn up with greater precision than they are, and conveying more useful intelligence; but having been lately removed from the office of Collector, I am compelled by a sense of my duty to transmit them in their present state, prepared in the best manner that my means of information and my little leisure have permitted; and I trust that the reasons I have assigned will be allowed to plead for their defects.

Answer 1.—IN the year 1208 B. S. the crops were by no means equal all over this district. In some places, in consequence of the sudden rise of the rivers, the whole of the crops were destroyed; in some places, a part only. In some places, the crops were equal to what they usually are; and in others, much better. Upon the whole, I believe it may be said that the year alluded to was not remarkable either for abundance or scarcity.

Answer 2.—On the 30th April 1802, the balances outstanding in this district on account the year 1207 B. S. were rupees 43,691. 4. 14. 2. In 1208 B. S. the collections were rather more backward than they were in 1207 B. S. by reason, as appears from the representations of mofussul officers and landholders, of ryots having absconded in consequence of their crops being destroyed by sudden inundation.

Answer 3.—The jumma of the lands that have been sold for the realization of the balances of 1207 B. S. including in some instances the arrears of other years, is rupees 1,01,432. 15. 18. 3. and the jumma of the lands expected to be sold on account the said year, rupees 46,861. 2. 6. 3. making together rupees 1,48,294. 2. 5. 2. In some instances the lands that were disposed of, sold at most favourable prices indeed; and in others, quite the reverse. The principal causes of the unfavourableness of the sales, appear to me to be the following: sometimes, want of assets in the land, arising either from the mismanagement of the proprietors, the encroachments of rivers, or the ravages of wild elephants and other beasts; but more frequently, the difficulty people know they shall experience in obtaining possession, from the frauds practised by proprietors, with the view of retaining, after the sale may have taken place, the most productive parts of their estates in their own hands. The frauds I allude to are chiefly these:—fabricated accounts; trumped-up claims to nij talooks; fictitious transfers, and leases at reduced rates.

Answer 4. It appears to me that the existing Regulations are well calculated to secure the punctual collection of the revenue from such of the zumeendars and other proprietors of land with whom a permanent settlement has been concluded, as are men of respectability, and capable of entertaining a proper sense of the advantages which have been secured to them by laws dictated by wisdom, humanity, and love of justice. But with regard to men who are blind to their own real interests, and have no notion whatever of what is called good faith, and of this description I am sorry to say there is a very considerable proportion, I am doubtful whether more summary, and in cases of daring contumacy, more rigorous measures might not be adopted without affecting the value of landed property. The penalties to which defaulting proprietors are subject, are, the payment of interest at the rate of one per cent. per mensem; fines, at the same rate; attachment of lands; sales of lands; and finally, in the event of want of assets to discharge the balances, confinement. This certainly, at first

sight, appears to be a very formidable list of penalties; but upon a closer examination, much of its rigorous appearance soon vanishes. In the first place, the persons who usually fall in balance, could not borrow money from a banker without paying him, in one way or other, interest at the rate of three or four per cent. per mensem, and consequently they consider their being obliged to pay only one per cent., or at most, in case of a fine being imposed, two per cent., for withholding the dues of Government, as very favourable terms. In the next place, the attachment of land is, I am afraid, too easily and too frequently rendered nugatory, either by the zumeendars getting their own creatures to be appointed roork aumeens, or by prevailing on the roork aumeens to enter into their views, or by withholding the necessary papers, or delivering up only such as are fabricated for the purpose and of no use, or by resisting the aumeens either openly or clandestinely, by causing them and their officers to be apprehended by the police darogahs on groundless charges of assault and battery. In the third place, when it is found necessary to proceed to a sale of lands, the zumeendars have their agents in attendance to purchase the lands for them again; and lastly, should it be found necessary to proceed to confinement of the person, then there will be the subsistence money to be paid by the Government, and every one knows that confinement, accompanied as it is with comfortable lodging and ample subsistence, with little labour, is scarcely considered as a punishment by the natives of this country. Upon the whole, therefore, it appears to me that when either the interest of Government, or even that of the individual is considered, the mode to be followed in collecting the revenues can scarcely be too summary, nor, in cases of daring contumacy, too rigorous. Nothing appears to me to be so detrimental to the revenue as delay in collecting it. If a proprietor of land is permitted to pause in the payment of his revenue, he very shortly turns his thoughts to devise some scheme to evade the payment altogether; and I am of opinion, it frequently happens that in defrauding Government of what is justly due to it, he expends double the amount in hush-money, to persons who have the means of detecting the cheat.

Answer 5.—When farmers or their sureties are men of responsibility, there cannot be a doubt of the existing Regulations being well calculated to secure the punctual realization of the revenues from such farmers.

Answer 6.—The arguments generally used by zumeendars and other proprietors of land and farmers of land, to prove that the existing Regulations are not well calculated to enable them to realize their rents, when coercive measures are necessary, are chiefly these; viz.

That the distraint of crops seldom secures the realization of the rents; but on the contrary, is frequently attended with loss to themselves:—that if they depute a small number of people to distrain the crops, the dependant talookdars, ryots, &c. resist them; and if they employ a great number of people to make the distraint, the revenues are expended in the charges incurred; that if, however, they should proceed to make the distraint, the tenants prefer complaints of assault and battery against them and their people, either to the police darogahs or to the magistrates, and having caused them to be apprehended, embrace that opportunity of cutting and carrying off the crops; that the distraint of the other property of tenants, is seldom attended with the desired effect, for the defaulters always contrive to conceal in their neighbours houses or elsewhere their most valuable effects, leaving only a few earthen pots and articles of little or no value in their own houses; that when they apply to the police darogah for an officer to be present while they make distraint, sometimes, after a great deal of prevarication on his part, they get an officer; at other times, the darogah tells them he has only ten men under him, who are all employed on different duties, and that if they wish to have a man, they must hire one themselves, which they accordingly do, and the darogah empowers him to act; that sometimes several tenants reside in the same house. One of them perhaps is in balance, and the rest not so. When the distrainer goes to distrain the property of the defaulter, all the property found in the house is claimed by the other tenants; and being unable to ascertain what part of the property actually belongs to the defaulting tenant, the distrainer finds it necessary to withdraw the distraint.

That if they institute summary suits against the defaulting tenants, such suits are attended with considerable delay as well as expense; and if they should succeed in getting decisions passed in their favour, they seldom recover the balances in consequence thereof, but are put to the expense of maintaining the defaulters in jail, at the rate of from rupees two to four per mensem for each man.

Such are the obstacles which proprietors of land complain of meeting with, in realizing their rents under the existing Regulations. That there are such obstacles, I have little doubt; and the removal of them, would, I am confident, be attended with very beneficial effects.

Answer 7.—I was appointed Collector of this District on the 13th of February 1797. I am given to understand that in the northern parts of the district, cultivation has not been extended since the first year of the Decennial Settlement; but in the southern parts it is said to have been extended in the proportion of two-sixteenths. It would appear that the cultivated land does not bear the same proportion to the uncultivated land all over the district.

No. 1.—part 2.

Answers by the COLLECTORS.

Dacca, 8 June 1802.

The following is a statement of the supposed proportions of the cultivated to the uncultivated land in different parts of the district:

Southward	$\frac{4}{16}$	uncultivated,	$\frac{12}{16}$	cultivated.
Northward	$\frac{10}{16}$	ditto	$\frac{6}{16}$	ditto.
Eastward	$\frac{2}{16}$	ditto	$\frac{14}{16}$	ditto.
Westward	$\frac{6}{16}$	ditto	$\frac{10}{16}$	ditto.

Answer 8.—From the proceedings held at the time of the conclusion of the Decennial Settlement, it would appear that in this district the jumma of the preceding year, and not the actual assets of estates, was the ground-work of that settlement. I should therefore conceive that at the conclusion of the settlement alluded to, it was not known to the officers of Government what profit was left to the proprietors; nor have I any means of ascertaining whether the profit which proprietors at present enjoy, exceeds 10 per cent. or otherwise.

Answer 9.—It does not appear that there are any embankments in this district.

Answer 10.—It does not appear to me that the proprietors of land do in general attend sufficiently to the permanent improvement of their estates, by making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands.

Answer 11.—From what I have heard regarding the cruelties and oppressions to which ryots were formerly subject, I do not hesitate to say, that since the conclusion of the Permanent Settlement, the proprietors of land have conducted themselves with more moderation in their transactions with their ryots than they did before the conclusion of that settlement; and it appears to me that the situation and condition of ryots in general, are in all respects as comfortable as can be expected.

Answer 12.—With an exception to one or two roads in the vicinity of the city, there are none in this district, nor do I think them essentially necessary, there being water-carriage to and from almost every place in the district, and roads could not be made and kept in repair but at a most enormous expense, owing to the low situation of these parts, the violence of the periodical rains, and the almost entire inundation of the country during the greater part of the year.

Answer 13.—For the purpose of ascertaining the population of their respective jurisdictions, I have applied to the Magistrates of the City of Dacca, Zillah Backergunge, and Zillah Dacca Julalpore (all which jurisdictions are comprized in this Collectorship,) but from the former gentleman only, Mr. Melville, have I yet received an answer, the other Magistrates however are, I understand, endeavouring to ascertain the population of their respective jurisdictions; and I also am using every means in my power to ascertain the population of the whole district. But although I cannot state what the population of the whole district is at present, it may not be altogether useless to state what it was in 1792; which, from an Estimate made by Mr. Douglas, the then Collector, in that year, I find to be as follows; viz.

Men	307,144
Women	310,608
Male children	175,752
Female children	145,208
	938,712

The City Magistrate estimates the number of inhabitants, within the limits of his jurisdiction, at 200,000: of which, he supposes the Mussulmans are in the proportion of 14½ to 13 Hindoos.

Answer 14.—The most valuable productions of this district are rice, salt, beetle-nuts, cotton sunn, and sugar-cane. I do not learn that the cultivation of these articles has increased of late years.

Answer 15.—The stamp duties are becoming more productive: the sum produced by these duties in this district, in the year 1208 B. S. was Rs. 27,689. In 1207 they produced only Rs. 20,195.

Answer 16.—For some years past there has been little variation in the Abkarry collections, except in the year 1207 B. S. when they fell to about half their usual amount, in consequence of the delay which took place in arranging the Abkarry mehal in concert with the different Magistrates, according to the rules contained in the 6th Regulation of 1800. In 1207 B. S. the Abkarry collections amounted to Rs. 5,246; and in 1208 B. S. to Rs. 10,376.

Answer 17.—I am not aware of there being any articles produced in this district on which a productive tax might be levied, without its being felt as an oppression by the people.

Answer 18.—I am not at present competent to answer this Question, from the following cause: Until very lately the holders of lakheraj land of every description in this district, did

did not know it was necessary to register such lands, in consequence, as they say, of the publications directed by the 25th section of Regulation XIX. 1793; and the 20th section of Regulation XXXVII. 1793, not having been made in the manner prescribed; and being unable to prove the contrary from the records of this office, in conformity to the rule laid down in the 19th section, Regulation VIII. 1800, on the 15th of May 1801, I issued the publications alluded to, of which, according to the usual practice of the natives, very little notice was taken, until within a few days of the expiration of the limited period of twelve months: within that short space as many papers, said to be copies of grants of and documents regarding rent-free land, as will fill several bags, were delivered in; I should suppose there cannot be less than twenty thousand papers, but what they contain I have not yet been able to ascertain; my officers, however, are busily employed in arranging them, and as soon as that part of the business shall have been completed, I shall proceed to compare the copies with the originals, and register the lands, after which I hope that it may be in my power to answer this Question more satisfactorily.

Answer 19.—It is said that in general the rent-free lands are in a better state of cultivation than the lands paying revenue to Government, in consequence of the former being let to ryots on easier terms than the latter.

Answer 20.—It would appear that the only old rupees current in this district are arcots.

Answer 21.—The only reason which occurs to me for the continuation of the arcot currency is, that the shroffs find it to their advantage, by altering the rates of batta in an arbitrary manner, to keep up that currency and enter into combinations for that purpose: how these rupees are replaced as they become worn and diminished in value, I have not been able to ascertain. The shroffs say that no arcot rupees are now brought into the district from other parts; but that what remain are those left since the time the arcot rupee was the only one in circulation.

Answer 22.—The measures which strike me as the most effective for the purpose of introducing the 19 sun sicca rupees into general circulation, are briefly these: a Regulation to be passed, directing publications to be immediately issued in the most general manner, to the following effect:

All persons possessing arcot rupees (now an illegal coin) are hereby required to pay the same into any of the treasuries of the Government as may be most convenient to them, within the space of twelve months from the date of this publication.

All persons who may pay their arcot rupees into any of the treasuries of the Government within the prescribed period, shall immediately receive the full value thereof in the sicca specie.

After the expiration of twelve months, all arcot rupees upon whomsoever found, will be liable to forfeiture to Government; and informers giving notice of persons having rupees of that description in their possession, shall receive one half of the value of the rupees seized in consequence of their information. I would also, with the view of preventing, as far as possible, the diminution of the legal currency, recommend that a Regulation be immediately passed, restricting all persons under very severe penalties from breaking up full weight 19 sun sicca rupees, for the purpose of making ornaments of dress, trinkets, articles of furniture, or for any other purpose whatever.

Answer 23.—Gold mohurs do circulate in this district, and to a very considerable extent.—In the year 1207 B. S. the total receipts at this treasury amounted to rupees 31,06,203. 9. 16. 3. of which the proportions of gold and silver were as follows:

In Silver	R°	11,27,391	9 16	1
Gold		19,78,812	— —	—
		31,06,203	9 16	1

The receipts in the above year, on account the revenue of this district, are rupees 11,63,808. 7. 3. of which the proportions of gold and silver were as follows:

In Silver	R°	258,884	7	3
Gold		9,04,924	—	—
		11,63,808	—	—

In 1208 B. S. the total receipts at this treasury amounted to rupees 27,75,021. 4. 14. 1. of which the proportions of gold and silver were as follows:

In Silver	R°	7,81,205	4 14	1
Gold		19,93,816	— —	—
		27,75,021	4 14	1

No. 1.—part 2.

Answers by the COLLECTORS.

Dacca, 8 June 1802.

The receipts in the same year, on account of the revenues of this district, were rupees 12,73,527. 8. 10. 1. of which the proportions of gold and silver were as follow:

In Silver	R$ 2,50,787	8	10	1
Gold	10,22,740	—	—	—
	12,73,527	8	10	1

It must be observed, however, that there is a greater proportion of gold in revenue transactions, than in almost any other, and it is said that in the whole circulation of the district, the gold may be estimated in the proportion of 9 gold to 7 silver. In general, I believe, the gold mohur passes, in the purchase of goods, at par; that is, for the value of 16 sicca rupees.

Answer 24.—The establishment of the currency of the gold mohur in the interior of the country, has in my opinion operated beneficially, inasmuch as a sum of money in gold can be conveyed from one part to another with much greater ease and less expense than the same sum in silver.

Answer 25.—I am sorry to say that but small progress has been made in preparing the Quinquennial Registers of lands paying revenue to Government, and lands held exempt from the payment of revenue in this district. The cause of the delay in preparing the register of land held exempt from the payment of revenue, will be seen in my eighteenth answer; the cause of the delay in preparing the other register, is as follows: There are in this district about sixteen thousand estates paying revenue to Government, the Mouzawarees (list of villages) of very few of which were delivered in previous to the conclusion of the Decennial Settlement, and of the Mouzawarees delivered in, very few in all probability will now be found, as far as relates to the jumma, to be correct. For the formation of the Quinquennial Register, therefore, it became necessary to require Mouzawarees from almost all the landholders in the district; but from the aversion, which the natives always show to give up any papers regarding their estates, a great many Mouzawarees, although fines have been levied in order to obtain them, are still wanting, and unless they are delivered in, it will be impossible to complete the register alluded to: such papers too as have been delivered in, are, I am apprehensive, only fabricated for the purposes of fraud and chicanery; and should this be the case, a register formed from such documents, can be but of little use. To the present time, the entries of 2,815 estates, containing 18,027 villages and kismuts, have been made.

Answer 26.—The proprietors of the estates sold, bankers, merchants, pleaders, and other officers of courts, and monied men who buy lands merely to sell them again advantageously by private sale to the former proprietors, are in general the purchasers of lands disposed of at public sale in this district; but it has not come to my knowledge that the system of management of such purchasers, in cases wherein an actual transfer has taken place, is regulated by principles better calculated for the permanent improvement of the estates, than the system of management of the former proprietors.

Answer 27.—I should suppose that some few of the monied proprietors of lands in this district, would purchase from Government the permanent remission of a part of the fixed jumma assessed upon their lands, but I do not imagine they would offer more than a five years purchase for such remission. What I mean by a five years purchase, is, that for a remission of 100 rupees, they would offer 500 rupees.

Answer 28.—It certainly appears to me that the disposal of a proportion of the fixed jumma assessed upon estates, whatever effect it might have upon the estate in which the remission might be obtained, would in the end be attended with prejudicial consequences to the country at large; the following are the grounds of my opinion:—The Government has declared the jumma assessed upon lands to be fixed for ever, and it might in the eyes of the natives have an appearance of instability, were the Government so soon to sanction an alteration in that jumma, and give such proprietors as might be unable or unwilling to purchase remissions, hopes that they would in the end obtain them without purchasing, by persevering in using all means in their power to prevent the realization of the revenues, with the view of impressing the Government with an idea that they were over-assessed. The estates of this district are at present by no means equally assessed, and I have reason to think that in many instances, proprietors of lands, with the view of obtaining reductions in their jumma, and being thereby put upon an equality with their neighbours, have been induced to practise more frauds than probably, bad as they in general are, they would have done, had all the estates of the district borne an equal part of the public assessment. It is more than probable that remissions would be purchased in such estates as are already under-assessed, and such objects of envy to the neighbouring proprietors, who if they have now sufficient inducements to endeavour to obtain reductions in their jumma by all modes of chicanery, would then have still stronger inducements to endeavour to obtain their favourite object; and it appears to me that Government might in the end be reduced to the necessity of granting gratuitously to some landholders what it had sold to others for a valuable consideration; the purchasers of remissions seeing them granted gratuitously to others, would in their turn become dissatisfied, and it is difficult to say where the business might end.

I have the honour to be, Sir,
Your most obedient humble servant,
(Signed) *H. H. Massie,*
Acting Collector.

Dacca, the 8th June 1802.

(Dinagepore.)

No. 1.—part 2.

Answers by the COLLECTORS.

To His Excellency the Most Noble the GOVERNOR GENERAL.

My Lord,

BY order of the honourable the Vice President in Council, I herewith lay before your Lordship a copy of my Answers to certain Interrogatories transmitted to me by the Secretary to Government, in the Judicial and Revenue Departments.

I have the honour to be, My Lord,

Dinagepore, the 12th December 1801. Your Lordship's most obedient and most humble servant, (Signed) *G. Smith*, Coll^r.

INTERROGATORIES transmitted to the Collector of Dinagepore by the Secretary to Government, in the Judicial and Revenue Departments; with the Collector's Answers to the same.

1. ARE the crops of the present year expected to be productive?

1. They are.

2. What is the amount of the balances outstanding in your district on account of the past year; and what is the state of the Collections for the present year?

2. The outstanding balances on account of the past year are Rs. 2,035. 3. 12. The balances of the present year are Rs. 26,412; the demand, of which this amount remains unsatisfied, is 7,46,218.

3. What is the amount of the jumma of the lands which have been or are expected to be sold in your district, for realizing the balances of the past year? And have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

3. The jumma of the lands sold for this purpose, is Rs. 76,642. 12. 10. There will be no more sales on account of the past year. The lands in general have sold at a favourable price.

4. Are the existing Regulations for collecting the revenue of Government from the zemindars and other proprietors of lands, with whom a Permanent Settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without at the same time affecting the security or value of landed property?

4. It strikes me that I should make my collections more punctually, if I had nothing to do with the Board of Revenue. Even where my suggestions are approved of by the Board, there is the unavoidable delay of correspondence; and where they are not, the result is generally such as to convince me, that it would have been better if they had been. I do not mean to extol my own judgment, or to depreciate that of the members of the Board; it is sufficient to observe that I am on the spot, while they are many hundred miles off.

5. Are the existing Regulations for collecting the revenue of Government from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

5. With respect to this, I have had no experience.

6 Are the existing Regulations for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rent from their under-farmers, and from their ryots, well calculated for the purposes intended, without at the same time affording to the proprietors and farmers of land, the means of oppressing the under-farmers and ryots?

6. I conceive that they are.

7. When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

7. I was appointed Collector of this district in October 1800.

The cultivation of the district has certainly been improved since the time mentioned in the question. The belief entertained that the settlement will be, if not perpetual, at least more permanent than before, has induced the landholders to bestow greater trouble and expense upon the improvement of their estates; for the public demand being fixed, to improve their estates, is to improve their own circumstances.

Then the sale of portions of zemindarries, has produced the natural and ordinary effect of breaking large estates into small ones.

If by uncultivated land is meant land of every description not at present cultivated, I take its proportion to the cultivated land to be that of 3 to 2: if the question is confined to land that is susceptible of cultivation, but not at present cultivated, its proportion to the cultivated land may be that of 2 to 3; and at the time mentioned in the interrogatory, it may have been nearly equal to the land in cultivation.

8. Do

No. 1.—part 2.

Answers by the COLLECTORS.

Dinagepore, 12 Dec. 1801.

8. Do the proprietors of estates in general derive a profit exceeding the ten per cent. on the jumma; the profit estimated to be left to them on the conclusion of the Decennial Settlement?

8. The favourableness of the sales makes it clear that they do. The general price here somewhat exceeds the sudder assessment, and the purchaser calculates upon reimbursing himself in four or five years, say five years; and it makes the profit of the lands to exceed 20 per cent. upon the jumma: this calculation supposes the buyer to have accurate information regarding the lands, and I fancy it has been found that the natives of Bengal are for the most part sufficiently circumspect in laying out their money upon speculation.

9. What is the present state of the embankments in your district?

9. In this district there are no public embankments. The private ones I understand to be in a tolerably good condition.

10. Do the proprietors of land in general attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

10. My answer to question the 7th will serve as an answer to this.

11. Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions, with their ryots, since the establishment of the Permanent Settlement, than was observed by the proprietors of land in general previously to the conclusion of that settlement; and is the situation and condition of the ryots, or immediate cultivators of the soil, in every respect as comfortable as can be expected?

11. I rather think that they have; flagrant cases of oppression, or of fraud, never fail to be brought before the adaulut, and such complaints are in the present day by no means numerous. The condition of the ryots is in general as comfortable as can be expected. The landholders say, it is more so than it ought to be.

12. What is the state of the roads in your district; are there any parts of the district, the making of roads through which would be particularly beneficial to the country; and what would be the expense attending the work?

12. The roads near the town are kept in good order by the prisoners; I know of no other roads which one rainy season would not utterly destroy. A road from this place to Nalagola would be beneficial; the expense would not exceed a few thousand rupees; but the roads are the province of the Magistrate, and Mr. Burges having been exceedingly attentive to them, will doubtless be able to furnish the fullest information.

13. What is the estimated number of the inhabitants of your district, and what proportion is it supposed the Mahommedans bear to the Hindoos?

13. There are about three-fifths of a million of inhabitants in this district, and about four Hindoos to one Mahommedan.

14. What are the most valuable articles of produce in your district; and has the cultivation of them particularly increased of late years? What is supposed to be the cause of that increase?

14. Rice and the sugar-cane. Their cultivation has increased of late years, and the cause of that increase I have set forth in my answer to query the 7th: what is there said relates to cultivation in general; nor do I learn that of these or of any other articles, the proportion to the general produce is at all different from what it was.

15. Are the stamp duties becoming more productive; and what sum do you expect those will produce in your district in the present year?

15. I do not think they are; they will this year yield about 12,000 rupees.

16. Are the abkarry collections increasing, or decreasing?

16. Increasing, but not greatly.

17. Are there any articles in your district, on which a productive tax might be levied, without oppression to the people? Name the articles, the rate of tax, and the manner in which you would propose it to be levied.

17. There are doubtless many taxes that would be productive, but I know of none that would be unoppressive or popular. The natives are of opinion that we receive enough from them. The late re-establishment of internal duties has caused a general dissatisfaction; and from a persuasion that we should go on extending our taxes, fear is the only principle that remains to preserve obedience to our authority. The natives are a reasoning and sagacious people, and though they may not have hearts stout enough to struggle for national independence, they are not without understandings clear enough to comprehend its advantages. They know as well as any Englishman can do, that the only natural and equitable appropriation of a tax, is to the benefit of the country from which it is levied, and they feel it, and not only feel it, but among themselves begin to speak of it as a monstrous and intolerable grievance, that the abundance of India should be directed to the aggrandizement of a foreign and distant station.—"For any good that *we* derive from the public revenue, for any thing that it adds to the tranquillity, or convenience, or splendour of *our* country, what you already exact from us is sufficient and more than sufficient. Your further demands are for yourselves, not for us, not for India, but for England: if we comply with them, it is from necessity; you may take our substance, for we are not strong enough

to

to withhold it from you; but receive with it the bitterest curses of our hearts, our most ardent wishes for the downfal of your unnatural empire." This is what they do say to us inwardly, and what they would say to us aloud, but that they are too discreet to betray hatred where they are too feeble to gratify revenge. When such then are the sentiments that prevail among the better description of natives; and when sentiments are travelling in the ordinary course of knowledge from the higher to the inferior orders, it is scarcely possible for the British Government to be too tender and cautious and moderate in the imposition of further public burthens.

18. What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

18. None but the ordinary descriptions. The proportion of their produce to the jumma of revenue lands may be about 2 to 5; but with respect to rent-free lands, it is utterly impossible to obtain any thing like correct information.

19. Which of these descriptions of lands are in general in the best state of cultivation, the rent-free lands, or the lands which pay a revenue to Government?

19. The former unquestionably.

20. What descriptions of old rupees are current in your district?

20. Chiefly phooley, patna and duckie.

21. What is the reason that these rupees continue in circulation; and how are they replaced as they become worn and diminished in value, the 19 sun sicca rupee being the only description of rupee struck in the provinces, and that being the rupee in which the public revenue ought to be paid?

21. One reason is, that they are rejected at the public treasury; it may be another, that the people are superstitiously attached to them, because they are old, and remind them of old times and the old government. Their circulation however is certainly less than it was: as to how they are replaced, I can find no native who is able to answer, or even to understand the question.

22. What rules would you recommend to be adopted for the purpose of introducing the 19 sun sicca rupee into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee?

22. I am not sufficiently master of the subject to recommend any rules. I have heard one mode suggested, that all sorts of rupees should be received in payment of revenue, and all but the 19 sun sicca be remitted for recoinage to the Calcutta mint; but then such a Regulation would revive at the public treasuries the old batta or shroffing system, and that confusion and oppression which are its inseparable concomitants.

23. Do gold mohurs circulate in your district, to what extent, and do they pass at par, that is, for the value of 16 sicca rupees, when tendered for the purchase of goods? In payment of private debts and public demands, it is of course received at the rate which the law requires?

23. They do circulate in my district, and to a considerable extent, and when tendered for the purchase of goods, they are received without discount.

24. Has the establishment of the currency of the gold mohurs in the interior of the country, operated beneficially, or otherwise?

24. I should suppose beneficially. There is at least a convenience in the gold coin. A gold mohur is more easily transported, and more easily concealed, than 16 rupees.

25. What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands held exempt from the payment of revenue?

25. The progress made by me is none at all; by my predecessor, very trifling. There are two obstacles to the preparing of this Register, the Collector's want of leisure from other duties, and the scantiness of his allowance for English writers. Then a Collector's experience is of itself calculated to slacken his diligence in preparing it, for it shows him its inutility by showing him that he must rest satisfied with such information as the landholders may be pleased to give him; and that with the landholders it is a fixed rule, nay, absolutely a point of honour, to return false and deceitful answers to any enquiry that may be made from them by the officers of Government.

26. What descriptions of persons are in general the purchasers of the lands disposed of by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

26. The purchasers are generally mehajuns or money-lenders, and it is possible their narrow short-sighted avarice may be tempted by a prospect of immediate gain, to depart from those rules of conduct towards their tenants, which can alone secure the ultimate and permanent improvement of their property; but that there are effectual impediments to their doing this to any great degree, has appeared from my Answer to Interrogatory the sixth.

No. 1.—part 2.

Answers by the COLLECTORS.

Dinagepore, 12 Dec. 1801.

27. Are you of opinion that any of the proprietors of lands in your districts, would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma;) and how many years purchase do you suppose the proprietors would offer for such remission?

27. I am of opinion that many would, and give ten years purchase, nay more.

28. What is your opinion as to the effect which the disposal of a proportion of the jumma in the manner proposed in the preceding question, (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

28. It might improve the agriculture of the country, and so far it would be beneficial, but it would deprive Government of a very powerful check upon the most powerful of its native subjects, a check for which it might be extremely difficult to find an adequate substitute. It would I think be a most hazardous and impolitic measure. I would on no account recommend the slightest deviation from the perpetual settlement in the way either of remission or increase.

(A true copy.) (Signed) *G. Smith*, Collector.

(Zillah Jessore.)

To His Excellency the Most Noble MARQUIS WELLESLEY, K. P.
Governor General.

My Lord, Allahabad.

IN compliance with instructions which I have received, I have the honour to transmit to your Lordship, a copy of my Answers to a paper of Interrogatories circulated by the Secretary to the Government, in the Revenue and Judicial Departments, under date the 29th October last.

I have the honour to be, My Lord,
Your Lordship's most obedient humble Servant,
(Signed) *W. Parker*, Acting Collector

Zillah Jessore, 9th January 1802.

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1. ARE the crops of the present year expected to be productive?

In consequence of a sudden and excessive inundation, which happened at an early period in the rainy season, the rice crops of the present year in the district of Jessore, are not on the whole expected to be productive. On the contrary, I am credibly informed, that by this casualty of season, the crops in some extensive pergunnahs have suffered in a proportion of one-third, and have sustained very material, though less damage in many other estates not usually liable to floods. These injurious effects of the inundation, however, have not been universal, and where not felt, I have reason to think that the crops are expected to be as productive as they have been in the most favourable years. The crops of the several sorts of mustard and pulse now on the ground, are in a flourishing condition, and promise to yield an abundant produce.

2. What is the amount of the balances outstanding in your district, on account of the past year; and what is the state of the collections for the present year?

The balances outstanding in this district on account the past year, amounted on the 15th instant to rupees 29,249, without fractions. Of this amount, the sum of rupess 20,665 may be stated to be on balance by adjustment under the heads of suspension, instalments, deposits, &c. the actual balance being by those means reduced to rupees 8,584. The amount collected on the 15th instant on account the revenue of the current year, exceeds the amount realized at the same period in the past year, in the sum of rupees 55,436.

3. What is the amount of the jumma of the lands which have been or are expected to be sold in your district for realizing the balances of the past year? And have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

The jumma of the lands already sold for the recovery of the balances of the past year, amounts to rupees 1,20,377, and the purchase money paid for them, to rupees 1,08,880. 8. By this statement, it appears that the jumma transferred exceeds the amount paid for it by nearly 11,500 rupees. I am persuaded, however, that the purchase money would have exceeded the jumma of the lands sold, had not one of the most considerable of the sales, at. first advertized to be held at Jessore, been afterwards countermanded, and ordered to be held at the Presidency. Admitting the proceeds of the sales to have been equal to the jumma sold, the amount of the former, considered with a reference to the average rate of purchase at private sales, would still have been deficient by about £. 25 per cent. This unfavourable result of the sales by public auction in the district of Jessore, appears referable to the following causes: 1st, to the frequency of public sales; 2dly, to the general poverty of the inhabitants of the district, which prevents a proper competition at the sales, and enables a few individuals to form successful combinations for obtaining the lands at a low rate; and 3dly,

to the embarrassed state in which estates are generally left by the defaulting proprietors, through whose mismanagement or extravagance a sale has become necessary.

4. Are the existing Regulations for collecting the revenue of Government from the zemeendars and other proprietors of lands, with whom a Permanent Settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without at the same time affecting the security or value of landed property?

I am of opinion that the existing Regulations for collecting the revenue of Government, are in chief respects well calculated to secure the punctual realization of the public demand. One general principle however has place in them, which in its operation has occasionally appeared to me to impede the collection of the revenue, and in some measure to affect the value of landed property; I allude to the principle which admits in proprietors of land an unqualified title to transfer, at any time, except when an attachment has actually taken place, portions of their estates by sale, gift or otherwise. A proper exercise of this power, combined with any easy rule for the expeditious allotment of revenue on lands transferred, would doubtless much enhance the value of landed property; but the too common abuse of the liberty in the first instance, and the intricacy and dilatoriness attendant on the execution of the duty prescribed, in the second, are circumstances which manifestly tend to produce a contrary effect. A zemeendar, for instance, foreseeing that his estate must soon come under attachment, preparatory to the public sale of it, for the recovery of balances, hastens to dispose of as great a proportion of it as he can by private sale. The purchasers apply forthwith to the Collector, to separate the lands bought by them from the remaining part of the estate; but the Regulations prohibiting this measure until a jumma, regulated according to their ascertained resources, shall have been allotted on the lands; and a prompt compliance with this rule, being in few instances practicable; it often happens that the day of sale arrives before a separation has been concluded; and that the entire estate, comprehending those parts already privately transferred, is disposed of at public auction. The consequence is, that when the purchaser proceeds to take possession, he finds himself involved in disputes with the persons holding talooks within the limits of his purchase; disputes which seldom terminate but in the institution of an expensive law-suit by one party or the other, as either shall find occasion, by the event of their personal competition, to stand forward as complainant. The frequent recurrence of cases of this nature, must neces sarily tend to depreciate the value of landed property, in the estimation both of private and public purchasers, and to impede the collection of the revenue of Government. Another evil of a different nature, also seems to me to arise from the same source as the former, and that is, a continual multiplication of small independent interests in landed property. The most inconsiderable estate is at present divisible into an indefinite number of smaller independent estates, and every division creates a necessity for a new allotment of jumma, a duty in the execution of which, the greatest circumspection will not always ensure exactness, and in which every error must obviously conduce to render the recovery of the public revenue insecure and uncertain.

5. Are the existing Regulations for collecting the revenue of Government from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

The existing Regulations for collecting the rents of lands farmed immediately of Government, properly enforced, are in my opinion well calculated to secure the punctual collection of the public revenue from the farmers.

6. Are the existing Regulations for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rents from their under-farmers and from their ryots, well calculated for the purposes intended, without at the same time affording to the proprietors and farmers of land the means of oppressing their under-farmers and ryots?

The Regulations adverted to in this question, are I think well adapted to the attainment of the ends intended by them, without affording to proprietors and farmers of lands any ultimate means of oppressing their under-farmers and ryots.

7. When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

I am acting Collector of this district, and have officiated in that capacity nearly nine months. The cultivation of this district is supposed to have been improved and extended in the proportion of at least one-sixteenth since the formation of the Decennial Settlement. The uncultivated land in the district is estimated to bear a proportion of two-sixteenths, to the cultivated; this estimate comprehending the ground annually kept fallow, with a view to a better produce in the ensuing year. The jungle and waste land permanently uncultivated, (exclusively of a part of the sunderbunds situated in the district) is estimated at one-sixteenth of the whole lands.

8. Do the proprietors of estates in general derive a profit exceeding the 10 per cent. on the jumma, the profit estimated to be left to them on the conclusion of the Decennial Settlement?

I think this question may with confidence be answered in the affirmative. The generality of

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of the purchasers of large estates in this district are opulent inhabitants of Calcutta, where I believe it is well known that ready money may always be employed at a profit little short of 24 per cent. It seems fair to presume therefore, that these people obtain an equal, or at least a nearly equal profit on their money, when they sink it in the purchase of land. After many enquiries and references to records, I am led to believe that 20 per cent. is the average profit derived on the sudder jumma of the district. The distribution of this profit, however, among the different proprietors of lands, is extremely unequal.

9. What is the present state of the embankments in your district?

The embankments of this district were in the past year under the superintendence of Capt. Mouat, of Engineers, who has lately been called to the Presidency on service. The suddenness of Captain Mouat's recal, deprived him of the power to furnish a written report of the state of the embankments, but he verbally informed me, they were in as good a state as could be expected, after encountering so unfavourable a season as the last.

10. Do the proprietors of land in general attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

I have not been able to ascertain that any proprietors of land in this district, have, of late years attempted to improve their estates by the means adverted to in this question. The construction of embankments being considered a public work performable under the orders, and at the expense of Government, the zemindars imagine themselves exempt from all care and responsibility on that account. Tanks, I understand, are to be found throughout the district, in sufficient numbers for all purposes of life; the practice of digging them, as well from religious motives as from considerations of convenience, having much prevailed in former times.

11. Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the Permanent Settlement, than was observed by the proprietors of land in general previously to the conclusion of that settlement; and is the situation and condition of the ryots, or immediate cultivators of the soil, in every respect as comfortable as can be expected?

From all the information which I have been able to procure, I am induced to believe the proprietors of land have in general conducted themselves with more moderation, and with greater regard to the principles of good faith, in their transactions with their ryots, since the conclusion of the Permanent Settlement, than they did prior to that period. This improved system of conduct may with justice be included among the good effects which have resulted from the Regulations. These in their original state were not only powerfully calculated to protect the lower classes of landholders against oppression and injustice from their superiors, but had a tendency perhaps to throw rather an undue degree of power into the hands of the ryots. By subsequent modifications, however, this tendency has been counteracted, and it may now I think be asserted, that the relative rights and powers of a zemindar and his ryot are properly defined, and equally protected; and that the condition of the latter is in every respect as comfortable as can be expected.

12. What is the state of the roads in your district; are there any parts of the district the making of roads through which would be particularly beneficial to the country; and what would be the expense attending the work?

The only roads at present in this district are to an extent of about twenty miles in different directions in the immediate vicinity of the station; but an increase of the number of them would unquestionably be of great benefit to the country. It might appear a departure from the proper province of a collector, were I to enlarge on the expediency of constructing roads, in every practicable instance, from the sudder stations to the different police tannahs in the district; I shall therefore confine myself to the mention of such other roads as are said to be particularly required. A road from Jessore to Keesubpore, situated ten coss distant, on the river Hurhureed, and another of six coss, from Keesubpore to Tala, a great mart of trade situated on the river Kubthuck, are represented to be much wanted. Of equal benefit, I understand, would be a road from Tala to Looksagur, in Zillah Nuddea, and from Jessore to Calcutta and Kishenagur. The construction of these roads by hired labourers would doubtless be attended with much expense; the obvious substitute for hired labourers are the convicts; but whether those of this zillah are sufficiently numerous to accomplish the work, or could conveniently be employed to undertake it, I have no official opportunities of knowing.

13. What is the estimated number of inhabitants of your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

The villages in this district are 12,000 in number, and the average population of each village is generally computed at 100 persons; by which means a population is obtained of 12 lacs in the whole district: of this number, I reckon in every sixteen persons, nine Mahomedans and seven Hindoos. I am aware that in many districts the Hindoos exceed the Mahomedans in number; but the reverse is the fact in Jessore.

14. What are the most valuable articles of produce in your district; and has the cultivation of them particularly increased of late years; what is supposed to be the cause of that increase?

The most valuable articles of produce in this district are salt, indigo, tobacco, ganjah, mulberry,

mulberry, red wood, pawn, beetle-nut, and long pepper: of these articles, salt is exclusively reserved by Government, and mulberry cultivated only by persons concerned in the provision of the silk investment; the cultivation of indigo has alone particularly increased of late years, and the reason of that increase is too obvious to require explanation; some of the other articles mentioned may perhaps have lately been cultivated to a greater extent than formerly, but not so much so as to deserve particular notice.

15. Are the stamp duties becoming more productive; and what sum do you expect those duties will produce in your district, in the present year?

The stamp duties in Jessore are expected to produce about 11,000 rupees in the present year; which, if realized, will be an excess of nearly 3,000 rupees on the produce of them in the past year.

16. Are the abkarry collections increasing, or decreasing?

The abkarry collections in this district have ever been very inconsiderable; and though expected in this year to exceed the amount realized in the past, are, on an average of five years, decreasing. The settlement of the mehal for the present year, amounts to rupees 5,349, of which, the sum of 5,000 rupees is expected to be collected within the year.

17. Are there any articles in your district on which a productive tax might be levied without oppression to the people? Name the articles, the rate of tax, and the manner in which you would propose it to be levied.

Pawn, beetle-nut, and tobacco, have already, I believe, come under the consideration of Government, as proper articles of taxation; and in a statement submitted by the late collector, in the year 1800, the annual amount realizable by a tax on them, was estimated at upwards of two lacs and seventy thousand rupees.* Besides these articles, I am not prepared to name any on which a tax would not operate oppressively, as well as be unproductive.

18. What are the description of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

The descriptions of rent-free lands in this district are,—birmooler, or lands appropriated to the maintenance of brahmins; dewutter, or lands the produce of which is appropriated to the endowment of Hindoo temples, the discharge of expenses incident to the provision of images of worship, and the performance of religious ceremonies prescribed by the Shaster; mohutteran, or lands given for the maintenance of persons of the Hindoo persuasion, not brahmins; khanabaree, or lands given in small portions to individuals, to establish their dwellings on; fakceraun, or lands appropriated to the maintenance of Mahomedan mendicants; peeraun, or lands appropriated to the preservation and repair of tombs of holy and pious men; milik lakeraj, or lands held by Mahomedans of rank for their support; muddud moash, held for the same purpose, by individuals indiscriminately; and cheraghee, or lands destined to defray the expense of lighting buildings erected over tombs. After the best calculation I have been able to make, I am of opinion that the rent produce of the lands exempt from the payment of revenue in Jessore, is equal to about 7 per cent. on the sudder jumma of the district.

19. Which of these descriptions of lands are in general in the best state of cultivation, the rent-free lands, or the lands which pay revenue to Government?

The lands which pay revenue to Government are in a much better, as well as in a more general state of cultivation in this district than the rent-free lands. The latter, compared with the former, are said to be every where very inferior in soil, and are supposed to have been originally selected on that account as the most proper to be disposed of free of rent.

20. What descriptions of old rupees are current in your district?

The old rupees generally current in this district, are those of the years 10, 11, 12, 15 and 19; sunwants of the years 20 to 29, and 1 to 9, as well as a few arcot and French rupees are also current, but in fewer numbers and at a heavy batta.

21. What is the reason that these rupees continue in circulation, and how are they replaced as they become worn and diminished in value, the 19 sun sicca rupees being the only description of rupee struck in the provinces, and that being the rupee in which the public revenue ought to be paid?

The continuance of old rupees in circulation, appears to me ascribable to the want of a rule sufficiently penal to compel persons to deliver them up for re-coinage. The tenor of all the Regulations which have hitherto been passed on this subject, is rather recommendatory than obligatory, permits rather than commands the re-coinage of old rupees; Regulation XXXV of 1793, it is true, enacts, that after a certain date, that all payments tendered in such rupees shall be illegal, and all engagements concluded in them, irrecoverable in a Court of Justice; but general consent to take old rupees, when not diminished in weight below a certain standard, at par, and when below that standard, with an allowance equal to the deficiency, and a superadded batta, renders this rule perfectly nugatory. In transactions of this nature, is founded that disgraceful traffic in old rupees notoriously carried on in almost every part of the country by shroffs; a traffic scarcely calling less for prevention than a practice which has generally obtained among the same set of people, of marking and defacing, in open violation of the Regulations, the new 19 sun sicca rupees coined in the mints of Government. I do not understand that old rupees are replaced as they become worn and diminished in weight, but am rather of opinion, as may be collected from what I have already said, that however much they may have suffered in value, they still remain in circulation.

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22. What rules would you recommend to be adopted for the purpose of introducing the 19 sun sicca rupees into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee?

I am of opinion that the object of this question can only be attained by allowing a further period of not less than two years for the delivery of old rupees into the treasuries or mints of Government for re-coinage, on the terms specified in Regulation XXXV, 1793; and by declaring all persons detected in carrying on transactions in old rupees, after the expiration of that period, subject to penalties to Government, by means of forfeiture or otherwise, in addition to the loss of all legal title to recover the amount of such transactions.

23. Do gold mohurs circulate in your district, to what extent, and do they pass at par; that is, for the value of 16 sicca rupees, when tendered for the purchase of goods? In payment of private debts and public demands, it is of course received at the rate which the law requires?

The result of my enquiries on the subject of this question, leads me to think, that about one-third of the aggregate value of the specie in circulation in this district, consists in gold mohurs, tendered for the purchase of goods, and in payment of private debts and public demands; gold mohurs are always received as equal to 16 sicca rupees.

24. Has the establishment of the currency of gold mohur, in the interior of the country, operated beneficially or otherwise?

The establishment of the currency of the gold mohur, has certainly so far operated beneficially, as to simplify and expedite the adjustment of debts and demands, and to reduce the expense of transporting treasure.

25. What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands held exempt from the payment of revenue?

The Quinquennial Register of lands paying revenue to Government, commencing with 1197 B. S. and ending with 1201 B. S. has been completely prepared in this district; and that commencing with 1202 B. S. and ending with 1206 B. S. has been also prepared, with an exception to the insertion of 79 villages, of which the particulars cannot be procured. These registers, however, have not yet been copied; the register of intermediate mutations is completed and written fair up to this date. The holders of rent-free lands in Jessore, having almost universally neglected to deliver in their accounts, it has been found impracticable to make any progress in the registers of those lands. For the purpose of obtaining the necessary materials for them, I have again issued Proclamations throughout the district, as directed in section 19, Regulation VIII, 1800.

26. What description of persons are in general the purchasers of the lands disposed of by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of these estates, than the system of management of the former proprietors?

In answering a former question, I stated that wealthy inhabitants of Calcutta, are in general the purchasers of the lands disposed of in this district by public sale. With respect to their system of management, as far as I have had an opportunity of observing, it appears to me much superior to that pursued by the former proprietors; and I am of opinion that by means of a strict vigilance in ascertaining the real resources of their lands, measurements, scrutinies into the tenures of their ryots, and attention to the cultivation of lands heretofore waste, the purchasers in general are bringing their estates into a state of progressive improvement.

27. Are you of opinion that any of the proprietors of lands in your district would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma;) and how many years purchase do you suppose the proprietors would offer for such remission?

I am of opinion that several zemindars in this district would purchase a permanent remission of a part of the revenue assessed on their lands, to the extent supposed in the question of Government; but I have not been able to satisfy myself, so fully as I could have wished, with respect to the price, which they would agree to pay for such remission; I am induced however to think, that from five to seven years purchase would in general be consented to by those disposed to purchase at all.

28. What is your opinion as to the effect which the disposal of a proportion of the jumma in the manner proposed in the preceding question (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

As it is to be supposed that none but proprietors of estates already highly productive, or persons already able to improve their estates by pecuniary means, could accomplish the redemption of a part of their fixed revenue, I do not perceive that such a measure would produce any immediate advantage in the country at large.

Zillah Jessore,
31st Dec. 1801. (Signed) *J. Parker*, Acting Collector.

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Midnapore, 24 February 1802.

(Midnapore.)

My Lord,

IN obedience to orders I have received from the Honourable the Vice President in Council, I have the honour to transmit to your Lordship a copy of my Answers to the Interrogatories which were forwarded to me by the Secretary to the Government in the Revenue and Judicial Departments, in November last.

I have the honour to be, with great respect,

Midnapore, 24th Feb. 1802.

Your Lordship's most obedient humble servant,

(Signed) *T. H. Ernst*, Coll^r.

To His Excellency
The Most Noble Richard Marquis Wellesley, K. P.
Governor General, &c. &c. &c.

ANSWERS of the Collector of *Midnapore*, to the Interrogatories transmitted to him by the Secretary to the Government in the Revenue and Judicial Departments, on the 29th of October 1801.

QUESTIONS.—1.—Are the crops of the present year expected to be productive?

ANSWERS.—There has been a very considerable failure in the crops of the present year, owing to the destructive inundation which happened in August last. The pergunnahs that have suffered most severely from this calamity, bear an assessment of S.R^s. 5,70,804. 2. 7. and the losses in those pergunnahs are computed to amount, upon an average, to one-fourth of the crops. In several other pergunnahs assessed at S.R^s 5,97,618. 11. 14. one-fifth or one-sixth of the crops appear to have been destroyed. In the remaining parts of the district, assessed at S.R^s 3,54,537. 1. 14. the harvest has been very abundant. So that upon the whole, the failure in the crops may be estimated at about one-seventh, which, though not sufficient to create an alarming scarcity, will probably, in the course of three or four months, raise the price of rice so much as to be very severely felt by a great proportion of the labouring part of the community.

2.—What is the amount of the balances outstanding in your district, on account of the past year; and what is the state of the collections for the present year?

The balances outstanding in this district on account of the past year (1208 F. S.) amount to S.R^s 25,180. 11. 17. The demand for the present year, till the end of Poes, amounts to S.R^s 8,62,921. 7. of which S.R^s 5,83,638. 1. 13. having been realized, there remains a balance of S.R^s 2,79,283. 5. 7.; the greater part of which is to be ascribed to the losses sustained from inundation, and has therefore been authorized to be suspended by the Board's orders of the 29th August last.

3.—What is the amount of the jumma of the lands which have been or are expected to be sold in your district, for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

The jumma of the lands which have been sold for the recovery of the balances of the past year, amounts to S.R^s 57,533. 2. 14. and the purchase money to S.R^s 57,750. But it is by mere accident that the price of the lands, taken in the aggregate, so nearly corresponds with their supposed value, according to the principles by which the assessment of malguzarry lands was determined. There is the greatest inequality in the assessment of lands in different pergunnahs, and even in the same pergunnah, especially in those of Cossijaereh and Mynachowra. At the sale in question, 18 talooks in the former pergunnah, assessed at S.R^s 17,316. 9. 2. were purchased by individuals for S.R^s 14,655. and eight other talooks, assessed at S.R^s 12,488. 14. 19. were bought on account of Government for S.R^s 3,475. In the latter pergunnah, three mehals, the jumma of which amounts to S.R^s 6,000. 17. were purchased for S.R^s 11,040. and two others, assessed at S.R^s 2,637. 2. 4. for S.R^s 700; and there are eight mehals in this and other pergunnahs for which there was no bidder. That the talooks, 302 in number, which composed the pergunnah of Cossijaereh, are very unequally assessed, I have had occasion to explain very particularly, in accounting for the large balances that have accrued in this pergunnah every year since the final settlement of it, in a letter which I wrote to the Board of Revenue on the 16th October; and which appears to have been recorded on the proceedings of Government in the Revenue Department, on the 13th November; and the remarks contained in the 14th, 15th, and 16th paragraphs of that letter, relative to Cossijaereh, are generally more or less applicable to the other zemindarries in this district, which have been broke into small talooks by public sales, since the conclusion of the settlement. The justness and accuracy of several of the remarks and statements contained in that letter, will naturally, however, be thought questionable from the result of the last sales. After the account I then gave of the situation of most of the landholders of this district, and after the very heavy losses many of them have sustained from inundation in the past year, it will naturally excite surprise, that of 655 lots, included in the statement of lands which were advertised to be sold, on the 5th ultimo, for the recovery of the arrears due from the proprietors on account of the past year, only 71 lots, bearing a jumma of S.R^s 57,533. 2. 14. should have been actually disposed of; and that of the arrears, amounting to S.R^s 1,77,078. 13. 19. which were outstanding at the end of 1208, only

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only S.R^{s} 25,180. 11. 17. should be now due. But though these facts are calculated to convey an impression, that the landholders of this district are not so much reduced in their circumstances and condition as I described them to be, I am convinced, that such a conclusion would be erroneous; and have no doubt that Government will accede to this opinion, when they are apprised of the state of the collections in the course of the past year, and of the manner in which the balances were realized before the date on which the lands of the defaulters were advertised for sale.

Before six months of the year had expired, lands assessed at S.R^{s} 3,57,032. had come under attachment, and the arrears due from the proprietors amounted to S.R^{s} 1,58,098. 11. 2. Almost the whole of these lands remained under attachment during the rest of the year, and many more were attached every succeeding month, so that, at the end of the year, the jumma of the mehals under attachment amounted to S.R^{s} 4,32,019. 4. 4. and the arrears due from the proprietors to S.R^{s} 1,55,317. 10. 7. Near two-thirds of these arrears accrued in talooks assessed at less than S.R^{s} 2,000. and most of them less than 500. More than half these talooks formed separate estates when the permanent settlement was made, and the rest have been since formed by the sale of the zemindarries of Cossijoereh, Shawpore, and Mynachoura, and of a few others, in small lots. In my letter to the Board of Revenue, above referred to, I stated various grounds, on which I was led to suppose that the first mentioned talooks, upon an average, afforded a profit of from ten to sixteen per cent. which, though as much was allowed by the rules laid down for the assessment of malguzary lands, appears to me, in such small talooks, to be utterly inadequate to enable the proprietors to live in a manner suitable to their condition and habits. Nor do I think that a different opinion will be entertained by Government on the subject, when it is considered that very few of them have any other means of subsistence than they derive from their talooks; that they were accustomed to spend the whole of the profit they yielded, before the last settlement was made, when an increase of between 20 and 30 per cent. was laid on their jumma; and that the families, and of course the expenses of many of them, have been increasing since their income was diminished. It appears to me, the most fortunate and provident talookdars cannot, in common years, derive from their estates more than a mere subsistence for themselves and their families; and that whenever there is a failure in the crops, from drought or inundation, they must encroach upon the public revenue. This must likewise happen as often as the due observance of their customs and religious ceremonies is attended with any expense; which they cannot avoid without injury to their characters and cast. By the frequent recurrence of these charges, the revenues are continually falling in arrear much more than would otherwise be the case. Very few talookdars are engaged in trade, which might afford a temptation to them to misappropriate their collections; and I have every reason to believe, that, except in mehals notoriously over-assessed, which have been purchased at public sales for less than half, and sometimes for less than one-fifth or one-sixth of their jumma, for the express purpose of defrauding the public revenue, they are immediately expended in some way or other, and hardly ever hoarded. The talookdars have been brought up in habits of economy and attention to the management of their own affairs; and very few of them are addicted to extravagance of any kind. Though not very quick and sagacious, they understand their own interest; and are, generally speaking, wise enough to pursue it as far as lies in their power. They know very well that the attachment of their lands must subject them to heavy losses; and that the continual repetition of it must terminate in their ruin. They know, that if their estates merely afford them a subsistence, they cannot bear the expense of an attaching Aumeen, and the payment of interest on the amount of their balances. They feel it painful and humiliating to them to be deprived of the management of their lands, and they consider it as a great misfortune that Government should have the means of ascertaining the resources of their lands. They think it will be necessary to conciliate the attaching Aumeens, whose good offices and collusion can only be gained by a bribe; and they know that these Aumeens are very apt to commit abuses, which bear hard upon them, though they are not of sufficient magnitude to induce them to be at the trouble and expense of obtaining redress. They likewise think, that whatever an Aumeen may do, they cannot come to represent his misconduct while they are in arrear; or if they did, that the complaint of a defaulter would not be listened to. With such urgent motives for preventing the attachment of their lands by paying their revenue with punctuality, I feel confident, that when they fall in arrear, it is generally owing to their lands being too highly assessed, and very seldom proceeds from any fraudulent intention, or from improvidence, neglect, or mismanagement. How then has it happened, that after having fallen very heavily in balance in the course of the year, they found means to satisfy the claims of Government before their lands were put up to sale? And having been able to pay their arrears at last, why could they not make good their kists as they became due, and thereby avoid the losses and vexations they have incurred by the attachment of their lands? For an answer to these questions I beg leave to refer to the 11th Para. of my letter to the Board of Revenue of the 16th of October, and to add that my observation of what passed during the late sales and a few days before, as well as information I have received on the subject from intelligent persons, thoroughly confirm the truth of the facts therein stated. At the end of November the arrears due from the landholders, whose estates were advertised for sale on the 5th December, amounted to S.R^{s} 1,00,758. 9. 14. By the day of sale only S.R^{s} 11,554. 15. 9. were paid; but while the sale was going on by adjournments from day to day, till the 13th December, S.R^{s} 40,955. 6. 15. were recovered from the defaulters. During this time I had occasion to see and hear the agitation and anxiety that prevailed among the numerous defaulters, or their relations and vakeels, who had come to Midnapore to prevent the sale of their lands; the various expedients they resorted to for

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this purpose; the negotiations they entered into, and the ruinous bargains they made to raise money enough to pay their balances; I am convinced that many of them would have better consulted their interest by suffering their lands to be sold, than by obtaining a respite; for it can be no more than a respite on the terms which they found it necessary to agree to. But, however circumspect they may be in other respects, they have no idea of entering into calculations when their patrimony is at stake. Their sole object is to save it. They think the worst possible bargain is not to be put in competition with the loss of it; and having once secured it for the present, are thoughtless of consequences, however certain and obvious. With such sentiments, it will hardly be thought surprising that most of them should be able to keep their talooks longer than would happen in the natural course of things; but it appears to me impossible that the evil they have been postponing by such improvident means can be at a great distance; and I am very much afraid, that two successive years of inundation, the last of which has been more destructive than any that has happened for many years, will occasion the loss of many talooks at the end of the present year.

The foregoing remarks are applicable only to the old talookdars, who still possess about one-third of this district, and to a few purchasers who live upon their estates, and are anxious to transmit them as an inheritance to their families. I am aware that, in this detail, I have wandered a good deal from the question; but, as a general answer would have led to erroneous ideas, and appeared at variance with the information contained in my letter to the Board of Revenue above referred to, I have thought it proper to enter into the subject at some length, and to explain the cause of the apparent disagreement. For the same reason, I shall add a few remarks respecting the value and the assessment of lands in this district, as far as a judgment can be formed on these points from the public sales.

The talooks which existed at the time the settlement was made, bear a jumma of S.R^{s} 4,49,787. 3. 4. The jumma of such of these lands as have been sold since that period, amounts to S.R^{s} 73,088. 4. 15. or about one-sixth of the whole, and they were purchased for S.R^{s} 70,241. It must not, however, be supposed that they all sold alike; many produced much less, and many much more than the sudder jumma, as the profit they afford may have varied from 8 to 16 per cent. But the average of the sales supports the conclusion I have been led to draw from all the accounts and information I have been able to procure, that the lands of this description in Midnapore yield, on a medium, a profit of 10 or 12 per cent. on the jumma; and when this is the case, I have almost invariably found, that lands sell for about the amount of the jumma, or eight or ten years purchase. In speaking of the profit those lands afford, I must be understood as meaning only the amount that was left, by the terms of the settlement, to provide for the maintenance and domestic expenses of the talookdars; besides the deductions made on these accounts, from the hustabud jumma under the heads of Malikanna, Thackoer, Shawar, &c. there was a further deduction on account of surinjammy, or charges of collection, which varies in different pergunnahs, but amounts, on an average, to about S.R^{s} eight per cent. on the sudder jumma. Many of the talookdars, who live upon their own estates, or even at the distance of three or four coss, by managing their own lands, get the whole surplus they afford, or from 20 to 25 per cent. upon the sudder jumma; but this surplus cannot be considered as the profit of the zemindar. That part of it which is allowed for charges of collection is received by the zemindar in a distinct character; that of a surburacar or gomashteh, whose duties he performs. This distinction is the more necessary to be adverted to in calculations of the value of lands founded on public sales; because two thirds, and even a greater proportion of the purchasers have no idea of living upon their lands, or of taking the management of them into their own hands, and are therefore obliged to pay, on account of Mofussil charges, as much, or very near as much, and sometimes more than has been allowed for them in the settlement.

The large zemindarries of this district that were engaged for by the proprietors during the period of the Decennial Settlement, excepting perhaps those of Tumlook, which has but lately been annexed to it, appear to be much more highly assessed. The jumma of such of these estates as have been sold, amounts to S.R^{s} 3,37,130. 3. 15. They were first sold in 154 lots, for S.R^{s} 1,84,680: many of these lots, bearing a jumma of S.R^{s} 2,04,314. 11. 12. have been since sold again, and some of them five or six times, by public auction, for S.R^{s} 1,52,575. The zemindarry of Cossijoereh and Shawpore, assessed at S.R^{s} 2,13,347. 2. 5. was sold in 50 lots, for S.R^{s} 1,02,065. and a considerable part of these pergunnahs assessed at S.R^{s} 1,22,784. 7. 11. including, in several instances, a repetition of the same jumma as often as the same lands have been sold by public auction, has been since disposed of for S.R^{s} 75,064; so that the average price of the lands appears to have been little more than half of the jumma; from which, on the supposition that lands affording a profit of 10 or 12 per cent. are, as I have stated, worth the amount of the jumma, or 8 or 10 years purchase, it is to be inferred, (and the inference is justified by the most authentic accounts I have received of their actual produce) that the lands in question afford little more than half the profit they ought to yield, according to the rules laid down for the formation of the settlement. And with regard to the settlement of the largest zemindarry in this district, namely that of Cossijoereh and Shawpore, which is discussed at great length, in my letter to the Board of Revenue of the 16th of October, the conclusion is confirmed by various data therein referred to. But by the late sales, these calculations seem to be contradicted. Twenty-nine old talooks, for S.R^{s} 13,276. 1. 18. were purchased for S.R^{s} 19,275, and thirty-four talooks assessed at S.R^{s} 44,267. 16. which have been formed by the sale of large zemindarries, for S.R^{s} 38,025, in which are included 26 talooks in Cossijoereh, assessed at S.R^{s} 29,745. 8. 1. which were sold for S.R^{s} 18,030. It will, however, be contended that one year's experience can be opposed to that of the

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eight preceding years, particularly since it does not appear that there was less confidence in the security of landed property, and in the permanency of the jumma during that period, than there is now; and the real value of most of the lands in this district, must be much less at present than it was when the settlement was made, because they have not yet recovered from the effects of the very severe drought that happened in this district in 1199; and have suffered very much from inundation in the two past years, which will occasion a considerable deficiency in the rents this year. The high price that has been paid for the lands which were sold last month, must therefore, I conceive, be owing to the unusual crowd of people, who came to Midnapore to purchase land, and who are said to have been chiefly contraband traders in salt. These persons, ambitious of becoming talookdars, without any knowledge or experience in the management of lands, and careless about money which they had amassed rapidly, and with very little trouble, seem to have been determined to make purchases at any price; and the sale of more than 9-10ths of the lots which had been advertised to be sold, having been put a stop to by the recovery of the arrears due from the proprietors, the competition for those that remained, may account for their having sold for much more than their value. It therefore appears to me, that the late sales cannot be referred to as a criterion of the value and assessment of the lands in this district, and that, consequently, they do not afford any just ground of objection to what is stated relative to those points, in my letter to the Board of Revenue, of the 16th of October.

4.—Are the existing Regulations for collecting the Revenue of Government, from the zemindars or other proprietors of land, with whom a permanent settlement has been concluded, well calculated to secure the punctual collection of the public Revenue, without, at the same time, affecting the security or value of landed property?

It appears to me that the present Regulations make it the interest of the zemindars to pay their revenues with punctuality, and that this is the most effectual mode that can be adopted for the punctual collection of the public revenue. It must always, however, be in the power of the landholders to misappropriate a considerable part of their collections. The lands are not liable to be attached until the month in which a kist is payable may expire, and an attachment can seldom take effect till ten days or a fortnight afterwards. A landholder can therefore always misappropriate one kist, and can generally realize two or very nearly two, before his lands are attached. The kists of Aughun and Poes amount each to three and a half annas of the revenues in this district, and when a talookdar wants money, he generally supplies himself with it from his collections in these months. According to the era of this district, the months of Aughun and Poes are the third and fourth months of the year; and when attachments take place during the first six months of the year, as commonly happens, the arrears almost invariably increase every month, and are frequently doubled by the end of the year. This proceeds from various causes. In small estates, of which more than two-thirds of this district are composed, the charges of attachment and of interest often eat up the whole profit, and sometimes more. In spite of all my endeavours to prevent the anticipation of rents, I have every reason to believe that it is a very common practice. Zemindars are not liable to any penalty for anticipating their rents; and though the Regulations declare that the ryots shall not be allowed credit for any money they may pay in advance, it is impossible to make people who gain a mere subsistence by their labour, pay the same kist twice. Most of the talookdars have no other resource than the profits of their talook to live upon. Dearly as they pay for falling in arrear, they find it costs them less than borrowing money, and sometimes they cannot borrow on any terms; they must therefore either contrive to make collections clandestinely from their ryots after the attachment of their lands, or bribe the attaching Aumeen to give them money enough for their subsistence. In all these ways the landholders are able to appropriate the public revenues to their own expenses, and it is impossible to prevent them from doing so. But, in general, the talookdars are eventually the only sufferers from the transactions I have mentioned; the whole of the balances due from them with interest, being, with few exceptions, either paid by them or recovered by the sale of their lands, at the end of the year.

During the last ten years, the revenues have invariably been very much in arrear in this district, but they appear to have been still more in arrear during the ten years that immediately preceded the permanent settlement; and the ultimate loss in the revenues, was, beyond all comparison, greater during that period than it has been since. The superior efficacy of the present Regulations will appear in a stronger point of view, when it is considered, that before the settlement the revenues of this district were near one-fifth less than they have been since that period, and that remissions used then to be allowed on account of drought and inundation, which of late years have been entirely discontinued.

All the zemindars with whom I have ever had any communication in this and in other districts, have but one sentiment respecting the rules at present in force for the collection of the public revenue: they all say, "that such a harsh and oppressive system was never "before resorted to in this country; that the custom of imprisoning landholders for arrears "of revenue, was, in comparison, mild and indulgent to them; that, though it was no doubt "the intention of Government to confer an important benefit on them by abolishing this "custom, it has been found by melancholy experience, that the system of sales and attach-"ments, which has been substituted for it, has, in the course of a very few years, reduced "most of the great zemindars in Bengal to distress and beggary, and produced a greater "change in the landed property of Bengal, than has ever perhaps happened in the same

"space

" space of time in any age or country by the mere effect of internal regulations. That, in " former times, the zemindars occasionally lingered a few months in confinement, but that " they did not lose their patrimony; that confinement, though it was irksome and distressing " to them, was not looked upon as a serious grievance; that, according to their notions and " habits of thinking, it bore a very different character from that it possesses in the eyes of " their present rulers, who, for more than a century, have attached the highest value to per- " sonal liberty, and esteemed the security of it the most valuable privilege of British sub- " jects. That the disgrace attending imprisonment, if it existed at all, was softened by custom, " and by being suffered indiscriminately by all ranks and descriptions of persons; that it " lasted no longer than the cause of it; and that a defaulter had no sooner recovered his " liberty by paying his balances, or by the indulgence of the Haukim, than it was entirely " forgot, and he appeared again in society without any disparagement to his rank or cha- " racter, in his own eyes, or in the eyes of his countrymen." Such is the language which has of late years been very generally held by zemindars; but it will not, I trust, be supposed that I am an advocate for prisons and rattans as preferable to the existing Regulations. I am not discussing the comparative merit of the two systems. I only wish to point out their different tendency and effects. The terrors of imprisonment often operated, I believe, as a wholesome warning to zemindars, to keep their expenses within the bounds of their income, and were perhaps calculated to make a greater impression on them than any penalties by which they might be more remotely affected. It is one of the most striking features of the character of the natives, to be blind and insensible to consequences. They will hardly ever give themselves any trouble to guard against a distant evil, or undertake any thing for the sake of remote advantage. To this apathy and supineness in their disposition, joined to habits of dissipation and extravagance, is no doubt to be ascribed the ruin of several zemindars, though I imagine it has much oftener proceeded from the over-rated assessments of their estates, and from the difficulties they found in realizing the revenues, until the 7th Regulation of 1799, was generally known and enforced. Since this period, the zemindars themselves have been satisfied, and would hardly wish for more power; but the remedy came too late, most of them having been quite ruined before it was applied. When the only restraint, to which they had been accustomed, was withdrawn, and they were declared no longer liable to imprisonment for arrears of revenue, many of them thought only of the relief, without considering that the penalties substituted for imprisonment, would not merely subject them to temporary privations and vexation, but would speedily involve them in utter ruin. They could no longer resist any temptation to misappropriate their collections, they squandered all the money that came in their way, they were constantly in arrear, and their ruin, being accelerated by the other causes I have mentioned, (the too high assessment of their estates, and the difficulty of collecting their revenues) they soon lost the whole of their property by public sales.

Though the foregoing remarks are meant to be applied to the large zemindarries in this district, the same improvidence is sometimes manifested in the conduct of the talookdars, from whose education and habits, more attention might be expected to their own interest and welfare. Though I am convinced that most of them are compelled to encroach upon the public revenue, in consequence of their lands being too highly assessed, yet the practice of falling in arrear is so universal in this district, that there must be, I conceive, among the defaulters, some persons whose lands are under attachment during a great part of the year, in consequence of their having carelessly, and inconsiderately, spent more of their collections than they ought at the beginning of the year; and of their not thinking it worth their while to make an effort to pay their balances until the year is at an end, and their lands have been advertised for sale. When this happens, the talookdars, at least such of them as have inherited their estates, or held them some years, appear to have suddenly changed their character; they become busy and active, and turn their minds to every possible means of paying their balances. There is nothing they would not do to save their lands from being sold. They would cheerfully surrender themselves and go to jail, and as this would be of no avail, they are willing to raise money on any terms. But most of them are, I believe, too much involved to be ever able to retrieve themselves, unless Government grant them relief, by reducing their assessments, if not to their old standard, at least to such a degree as may leave them the means of a decent and comfortable subsistence. On their present footing, it appears to me to be impossible that they can keep their lands many years. Their prudence, and their parsimonious habits, the resources that they frequently find in the industry and talents of themselves, or their near relations, and in the attachment of their ryots, as well as the ingenuity they show, in devising a hundred different ways of raising or borrowing money to pay their balances, may protract the period of their ruin for some years. But there is no doubt that their situation is, for the most part, becoming worse every day, and that the ordinary resources of their talooks do not afford the means of preserving them. It is evident, therefore, that they must gradually pass into new hands, and probably this will happen in the course of a very few years.

In considering the situation of these talookdars, it strikes me, that they have reason to complain of having been less favourably dealt with, at the time of the settlement, than the tenants of zemindars, who were in possession of mocurrery leases. These tenures, in general, afforded as great a profit as the estates of the sudder talookdars, yet they were confirmed, and no increase has ever been exacted from the leaseholders, while the revenues of the sudder talookdars have been raised near one-fifth. I cannot see any just grounds for this distinction; all the talooks in this district, that existed at the time of the settlement, had been many years in the possession of the proprietors, and most of them had belonged to their families four or five generations. They naturally think, that they or their ancestors having purchased the talooks, or been invested with them by the sovereign power, or its representative, and

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their proprietary right having been acknowledged by their present rulers, they ought to have been treated with, at least, as much indulgence as was shown to mere leaseholders, who obtained grants from zemindars, and still pay their rents to them. And though the revenues of the sudder talookdars had fluctuated at different periods, this will hardly be thought a sufficient reason for assessing their lands higher than they had ever been assessed, in the worst of times, under the former Government. Their lands did not afford them more than a comfortable subsistence, when the settlement was made. But not only so large an increase was then laid on them, as to leave them hardly enough to live upon, in years of common plenty; but they were likewise deprived of the relief they had always obtained before, in years of drought and inundation, by being allowed remissions on their revenues, on account of the losses they sustained. In every point of view, therefore, it appears to me that they have the strongest possible claim to the equitable consideration of Government.

I am of opinion, that the value of landed property is not affected by the operation of the rules that are in force for the punctual collection of the public revenue; having found that lands in this district have commonly sold for about eight or ten years purchase; that is to say, for eight or ten times the amount of the clear annual profit they afford. With regard to the security of landed property, every landholder knows, that he is sure of keeping his estate as long as he pays his revenue. But it seems reasonable to suppose, that the very severe penalties to which a landholder becomes liable by falling in arrear, would have the effect of preventing any persons, but such as always have the command of money, from purchasing lands, that from accidents of season, or other causes, have fallen into decay, and produce less, or little more, than the sudder jumma, with a view to retrieve them, if the want of a spirit of enterprize in the natives did not generally hinder them from engaging in such speculations, except when they see a fair prospect of realizing the public revenue, and of getting a reasonable profit in two or three years; but few will become purchasers even then.

5.—Are the existing Regulations for collecting the revenue of Government from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

There are no persons in this district, holding lands in farm immediately of Government; and I have had no experience of the effect of the existing Regulations for the collection of the public revenue from such persons; but it appears to me, that the provisions contained in Section 23, Regulation VII. of 1799, are amply sufficient for that purpose. No sudder farmer, who understands his own interest, will subject himself to the penalties to which he becomes liable by falling in arrear, if he can possibly help it. And there can, in general, be little danger of any ultimate deficiency in the revenues of the lands let to him, if a Collector takes only tolerable security from him for the performance of his engagements.

6.—Are the existing Regulations for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers and from their ryots, well calculated for the purposes intended, without, at the same time, affording to the proprietors and farmers of land the means of oppressing their under farmers and ryots?

I am of opinion, that since the 7th Regulation of 1799 has been generally known and enforced in the Mofussil, the zemindars have been very well able to realize their rents from their farmers and tenants. Before this period, complaints of the inefficacy of the Regulations were very general among zemindars, or the proprietors of large estates; and it required little discernment to see, that they had not the same powers of coercion over their tenants which Government exercised over them. It was notorious, that many of them had large arrears of rent due to them, which they were utterly unable to recover, while Government were selling their lands for arrears of assessment; justice therefore required, that more effectual means should be provided to enable them to collect their rents; and it has accordingly been judged expedient, at two different periods, very materially to extend the powers they formerly possessed over their tenants and ryots. With this view, the 35th Regulation of 1795 was passed, and this Regulation having been found inadequate to the purposes for which it was framed, more extensive powers were granted to the landholders by Regulation VII. of 1799. This Regulation is, I believe, entirely satisfactory to the landholders, and leaves them nothing to desire. But it appears to me, that owing to the difficulties under which the zemindars laboured, not having been well understood, the means of coercion which this Regulation provides, go beyond the remedy of the evils which gave rise to it, bear unnecessarily hard upon the ryots, and are productive of a great deal of injustice and oppression. The 7th Regulation of 1799, was evidently framed on the supposition, that equal difficulties were experienced in collecting the revenues from the ryots, and from the tenants and farmers who stand between them and the zemindars. But this, far from being the case, I have frequently had occasion to state to the Board, that, as far as my experience goes, I have found that common ryots, or the lowest tenants of zemindars, who are the cultivators of the soil, pay their revenues with great punctuality; and the result of particular inquiries, I have at different times made on the subject, convinces me that they hardly ever fall in arrear, unless unjust demands are made on them. Their ignorance and their poverty leave them so much at the mercy of zemindars, that they have no idea of contesting unjust claims, or of delaying to satisfy them. They are much more apt to submit tamely to an exaction, than to hazard a contest with a zemindar; and they pay a kist or two in advance much oftener than they fall in arrear. Now and then, indeed, a ryot struggles against the authority of a zemindar, and ventures to sue him in the Adawlut, when an attempt

attempt is made to raise his rent, either by levying an increase upon what he conceives to be his mocurry jumma, or by resuming some remission which the zemindar or his predecessors may have granted from the full rates of his land. In such cases, when he sees that the zemindar is determined to levy by distress all he claims, and that he shall gain nothing by satisfying his just demand, he sometimes withholds his rent altogether, until the contest may be decided. But instances of this kind are extremely rare, and are only mentioned, that I may not be supposed to speak with too much latitude of the general punctuality of the ryots in paying their rents.

As a further proof of this fact, I beg leave to observe that I have hardly ever heard a complaint made by a taloqkdar or farmer, or tenant of any description, of not being able to realize their rents; and I imagine that the 7th Regulation of 1799 must have entirely originated from complaints of the proprietors of large estates. For the greater part of the arrears of revenue, which have arisen since the permanent settlement, having been due from them, their situation and grievances naturally came more under the consideration of Government than those of any other description of people. I am convinced that the only difficulties of any consequence which the proprietors of large estates experienced in collecting their rents, arose from the fraudulent and evasive conduct of farmers, and of the higher order of tenants. These people, with little or no respect for their landlords, more quick and intelligent than common ryots, better skilled in the Regulations, more conversant with the practice of the Courts of Justice, better able by their circumstances to maintain a contest there with their landlords, and more ready to take advantage of every means by which they saw that they might successfully evade their just demands, required to be governed by a stronger hand than poor, helpless, illiterate ryots. But the landholders have always, I conceive, possessed sufficient control over their ryots, who have been commonly too weak and depressed to resist even unjust claims; while farmers and intermediate tenants were, till lately, able to withhold their revenues with impunity, and to set the authority of their landholders at defiance. Landholders had no direct controul over them. They could not proceed against them except through the Courts of Justice, and the ends of substantial justice were defeated by delays and costs of suit. It was not till the 7th Regulation of 1799 was published, that zemindars were armed with sufficient powers to enable them to realize their rents, with punctuality, from their farmers and immediate tenants. This Regulation, by facilitating the arrest of defaulters, but chiefly by empowering zemindars to attach their farms or other tenures, and eventually to annul leases, and to sell or resume all other tenures, in case of failure in the punctual payment of the stipulated rents, gave the zemindars and their farmers as great a controul over their tenants and under-renters as can possibly be granted to them; and more perhaps than can safely be trusted in their hands, though not more, I conceive, than is necessary to enable them to realize their rents with as much regularity as they are required to pay the public revenue of their estates.

But, unfortunately, the powers of the zemindars have been extended where the same plea of necessity does not exist. The original distraining Regulation (the 17th of 1793) appears to me to have afforded ample security for the punctual collection of the rent payable by the ryots. A landholder seldom finds it worth his while to distrain property, except for such petty balances as are commonly due from ryots; and even with the restrictions that attended the powers of distress granted by Regulation XVII. of 1793, they were generally found sufficient for the recovery of such balances, though landholders very seldom had occasion to exercise them. Some of the provisions contained in this Regulation might, perhaps, require alteration so far as to simplify the process, and to leave out some restrictions which were liable to be abused, and others that, from not being generally understood, or judged of much importance, have been seldom attended to in practice. But those provisions which were calculated, in some measure, to protect the ryots from exactions, ought, I think, to have been preserved, and, if possible, guarded by additional checks. Instead of this, the only checks that existed for the prevention of abuses on the part of distrainers, have been removed by two very material alterations in the 17th Regulation of 1793. The 9th section, which enabled a ryot to get rid of an attachment, by executing an engagement binding himself to institute a suit against the distrainer for the trial of the demand for which the attachment was made, has been rescinded by Section 2, Regulation XXXV. of 1793; and, instead of the notice of fifteen days for the sale of attached property, directed in Section 8, Regulation XVII. of 1793, and the period of fifteen days from the day of attachment fixed for the sale of such property by Section 5, Regulation XXXV. of 1795, it may now, by Section 4, Regulation VII. of 1799, be brought to sale within six days after the attachment. I take the liberty to object to both these alterations; because, for the reasons I have stated, I am of opinion that ryots hardly ever fall in arrear, unless a zemindar or farmer demands more rent from them than they think he has a legal right to, or unless they are really unable to pay their balances. In the former case, I conceive that it bears hard enough upon a ryot to be put to the trouble and expense of instituting a suit to try a demand, very likely to be vexatious and unjust. This trouble and expense are sufficient to deter most ryots from having recourse to such a remedy; and, therefore, when a ryot ventures to resort to it, there can, in general, be little doubt that he feels strongly grounded in his objection to the claim made upon him. At present it is in the power of every zemindar and farmer to levy, by distress, the amount of an unjust claim, and thereby to ruin a ryot before he can sue for redress; and, rather than be reduced to such a state, most ryots will submit to an exaction. It therefore appears to me, that ryots ought to have it in their power to get rid of an attachment, and that for this purpose, the 9th section of Regulation XVII. of 1793 ought to be re-enacted, and that other remedies ought to be provided for their protection, from exactions on the part of zemindars and farmers.

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Lands being now exempted from sale for the recovery of arrears of revenue, till the end of the year, it appears to me much less necessary to expedite the sale of distrained property than it was before the 7th Regulation of 1799 was issued, when they were liable to be sold every month. When this was the case, the delay of a fortnight might have been very prejudicial to the interest of a landholder, especially in this district, which consists chiefly of very small talooks; but now it cannot occasion the sale, and hardly ever, I think, even the attachment of his lands, since it very seldom happens that a landholder finds it necessary to levy one-fourth or one-fifth of a kist by distress; and no collector would, I suppose, think it proper to attach his land for so small an arrear of a sudder kist. When a ryot is really unable to make good an arrear, it appears to me that the interval originally placed between the notice to the defaulter, of the attachment of his property and the actual sale of it, is not more than sufficient to enable him to find ways and means to avoid being utterly ruined by a griping landlord; and that what would not be denied by common humanity, ought to be secured to him by the sanction of the law, when it can be done, as in the present case, without establishing a vague and arbitrary exception to a general principle necessary for the collection of the revenues.

At present, as far as I am able to learn, the distraining Regulations are not abused to so great a degree as might naturally be expected, from the poverty and depression of the ryots. It must not, however, be supposed that they do not suffer from exactions: many attachments undoubtedly take place every month on account of unjust claims of rent; and, if the attached property is not very often sold, I am afraid it is only because the owner of it is, for the most part, willing to compound with injustice by paying something to avoid the ruin in which he would be involved by the sale of it. The trouble, the delay, and the enormous expense of carrying on suits in the Adawlut, are such, that people who gain a mere subsistence by their labour (which is the case of nine-tenths of the ryots) are absolutely precluded from having recourse to this remedy. If, therefore, they are not very generally oppressed by exactions, it can only be owing to the forbearance of their landlords, who see it is their interest to take no more from them than they can afford to give. But this is not the foundation on which the security and welfare of 8 or 10 millions of people ought to stand. Instead of leaving them at the mercy of zemindars and farmers, the law ought to afford them an easy and expeditious mode of resisting oppression and injustice; and it appears to me, that the only way in which this can be effectually done, is, by abolishing, or at least reducing the present exorbitant charges of judicial fees and stamps, and by empowering the native Commissioners appointed under Regulation XL, of 1793, to try causes for exaction, and to prevent the sale of attached property until they may be decided. If these measures should be objected to, as subversive of the authority and controul that zemindars and farmers ought to have over the ryots, and as throwing too much power into the hands of the Commissioners, the only means that occur to me of checking exaction, and, at the same time, of preventing real defaulters from getting rid of a distress on false pretences, are, to authorize the Commissioners (who must not, of course, be the landholders themselves, or their agents) to receive complaints of unjust attachments; and, in case it should appear to them, on a summary inquiry, that the claim on account of which an attachment may have been made, is unfounded, to pass an order for putting a stop to it, until the cause may be decided in the Dewanny Adawlut.

7.—When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

I was appointed Collector of this district in April 1800. Its cultivation has not been improved or extended since the first year of the Decennial Settlement, owing to a dearth which took place in 1799, and is supposed to have carried off one-sixth of the inhabitants; but it has been gradually recovering from the effects of this calamity. The most intelligent of the natives whom I have consulted on the subject, are of opinion that near 3-4ths of the lands which became waste in consequence, have been since brought into cultivation; and that cultivation is still rather increasing than otherwise. There is no part of the district, however, in which I have been able to discover any considerable improvement, while large tracts of land in Jellassore, and in some parts of Midnapore, chiefly near the jungle, which many of the inhabitants of the adjacent country remember to have seen in a high state of cultivation, are unoccupied, and, for the most part, overgrown with jungle. It appears to me, however, that, in a country where the means of subsistence are plentiful, and procured with little labour, and where the wants of the inhabitants are very few and simple, the population must increase, and that the extension of cultivation must keep pace with the increase of population. Under such circumstances, when the people are governed by mild and equitable laws, and well protected in their persons and property, it is natural to expect that a country will advance very fast in every particular that indicates prosperity; but, even without those advantages, or, at least, with many defects in the Government, I am of opinion that the population will naturally go on increasing, and that it is only liable to be interrupted by a famine, or by the destructive ravages of a hostile invasion. The improving state of this district for the last nine years has, by no means, I conceive, been greater than is fully accounted for by the respite it has enjoyed from those calamities during that period; and I cannot, therefore, attribute it to the increased security and protection that the ryots are supposed to have derived from the permanent settlement. On the contrary, the settlement in this district, considered in all its circumstances and its train of consequences, appears to me to have had an obvious tendency to arrest the natural progress of cultivation

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and improvement. The enormious increase, amounting to near one-fifth of the revenues, in the assessment of the greater part of this district, put it out of the power of most of the landholders to improve their estates. They were no longer able to encourage a spirit of enterprise and industry, by clearing jungle, digging tanks, and making advances to their ryots: and the rigorous punctuality with which Government have, since the permanent settlement, enforced payment of the public revenue, without allowing the landholders any compensation for losses sustained by drought or inundation, which was always granted in former times, has naturally influenced the conduct of landholders and farmers to their ryots. Before estates were made liable to be sold for the recovery of arrears of revenue, the landholders appear, on the whole, to have treated their ryots better than they have done since. Though there was, certainly, a great deal of violence and oppression in former times, yet instances often occurred of kindness and benevolence. Ryots who were in good circumstances, were very apt to be plundered; but relief was seldom denied to those who had been unfortunate, or were in distress. In short, though there was little encouragement to efforts of industry, from the uncertainty of reaping the fruits of it; yet the landholders found it their interest, and were prompted by a regard to their own character and reputation, to protect the great body of the ryots, whose circumstances could afford little temptation to the violation of their property, in the peaceable enjoyment of as much as was necessary for the support of themselves and their families. But as soon as they saw that they were becoming the victims of the new Regulations, they lost all consideration for their ryots, and, in their eagerness to save themselves, made no scruple to levy all they could exact from them. Another great obstacle to the extension of cultivation, has been the insecurity of leases. All the land that has been newly brought into cultivation during the last nine years, consists of what became waste, in consequence of the famines of 1178 and 1199 F. S. A great deal of this land is still waste, and the ryots are more ready to cultivate this kind of land than to clear jungle. But, besides the usual reduction in the rates for three or four years, it is generally found necessary to relinquish something from the full rates during the whole period of the lease, and sometimes a permanent remission is granted by a sort of mocurery tenure, which the grantor himself cannot, and which his heirs seldom choose, to violate. But the ryots who undertake to cultivate land on these terms, are liable to lose all the benefit of their industry, as often as the land passes into new hands by public sales. The jumma of the lands that have been sold in this district since the permanent settlement, amounts to sicca rupees 5,85,013. Many mehals have been sold two or three times, and several five or six times; and most of the purchasers have not scrupled to cancel leases, even where there was no suspicion of collusion, and to enforce payment of all they could exact under Regulation XLIV, of 1793. It is obvious to what a great extent this practice is calculated to operate to the discouragement of agriculture.

About two-thirds of this district consist of jungle, the greater part of which is inaccessible, and supposed to be unfit for cultivation. The lands in the open country, which are inserted in the Hustleboed papers of this district, prepared by the late Sudder canongoe and his officers in 1194 and 1195, and which are said to include all the land in the district except jungles, are stated to consist of begahs 17,79,643. 16. of which three-fourths are supposed to be cultivated, and of the remainder about one-third, or rather more than a lac of begahs, is estimated to be capable of cultivation.

8.—Do the proprietors of estates, in general, derive a profit exceeding the 10 per cent. on the jumma; the profit estimated to be left to them on the conclusion of the Decennial Settlement?

The information required in this Interrogatory, will be found in my Answer to Question 3d, and at greater length in my letter to the Board of Revenue of the 16th of October, which I have so often had occasion to refer to. But it may be proper to observe, in general terms, that from the result of all the enquiries I have made, I am of opinion, that the proprietors of the large estates in this district, assessed at sicca rupees 6,07,940. 14. derive a profit of 10 or 12 per cent. on the jumma; that the talooks, which existed when the settlement was made, and are assessed at sicca rupees 4,49,787. 3. 4. afford the proprietors a profit of between 10 and 16 per cent.; and that the remaining mehals in this district, assessed at sicca rupees 3,38,902. 3. 15. which at the time of the settlement formed only 29 zemindarries, but now consist of 579 talooks, afford the proprietors a profit which varies from 2 or 3 to 16 or 20 per cent. on the jumma; but, on an average, it is considerably less than 10 per cent.

9.—What is the present state of the embankments in your district?

Owing to the inundation which happened in August, and is universally agreed to have been more violent than any that has been experienced in this district for many years, the embankments are very much out of repair. Large breaches have been made in some of them, others have been entirely destroyed, and very few have escaped some injury. The estimated expense of putting them in substantial repair, amounts to sicca rupees 45,363. which is very near four times the amount of the deductions that the landholders received from their jumma on account of poelbundy; I therefore recommended through the Board of Revenue, that half the expense might be defrayed by Government, and the Honourable the Vice President in Council has been pleased to agree to the proposition.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

I have never seen or heard of a zemindar in Bengal, who took any measures for the improvement of his estate on a large and liberal scale. Landholders do not carry their views

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beyond granting waste land on the terms which are customary in the pergunnah, and now and then perhaps relinquishing something more. They hardly ever encourage cultivation, by digging a tank or making advances to ryots; tanks are sometimes dug from motives of piety; but instead of digging them where they are most wanted, and may turn to the best account, landholders generally consult their own convenience or gratify their vanity, by digging them near their own houses or in places of note. Some good, however, was occasionally done by the practice of digging tanks; but this sort of piety seems to be very much on the decay, either because the natives are more relaxed in their morals, of which is more probable, because their circumstances are, for the most part, very much altered for the worse; and I see no prospect of their finding a more powerful motive to exert themselves for the improvement of their estates, in a liberal and enlightened attention to their own interests. With regard to embankments, many landholders entirely depend upon them for the security of their crops; but, in most of the pergunnahs in which they are situated, there being a great number of talookdars, who are always at variance and can never act together, even when their common interest is at stake, it has been found necessary to repair them by means of officers on the part of Government. When the expense is moderate, the talookdars seldom murmur at paying their quotas, but they never shew any anxiety to see the repairs begun early or conducted properly. Though the embankments are at present in a very bad state, and it is of the utmost importance to the landholders, that no time should be lost in commencing the necessary repairs; yet, owing to the heavy expense that will be incurred this year, none of them have shewn the least solicitude on the subject; and I am convinced they would have seen the bunds entirely neglected, rather than consent by their own act to make themselves answerable for the expense, though they must have defrayed it, if Government had not thought proper to relieve them from a part of it.

In some parts of the jungles, and particularly in Roypore, which has the advantage of being situated on both sides of the Cossie, the soil is generally very good, but the population is not supposed to have been increasing there in any considerable degree before the late disturbances; and no attempt deserving of notice, appears to have been ever made to extend the cultivation, which can only be done by means of the inhabitants of the jungles; as those of the open country are never tempted to go and settle there, and probably would not consent to go if the most ample encouragement were held out to them. Very few of the jungle zemindars have the means of improving their estates, and those who have, would laugh at a person who should endeavour to persuade them of the advantage of laying out a great deal of money in clearing jungle, digging tanks, building houses, and making advances to ryots, for the sake of distant and precarious returns, when in various ways of trade, they can easily make a profit of 30 or 40 per cent. in the course of a year; and, even if they were willing to grant such encouragement, there seems to be so little industry and enterprize among the ryots in general, that no important improvements could well be expected to arise from it. Even in the neighbourhood of this station, where there is a great deal of rich jungle land, which might be brought into cultivation without much trouble and expense, and which would, I have no doubt, with proper care and management, soon repay all the expense and afford a considerable profit; though the zemindar is a rich man, and very attentive to the management of his own affairs, he thinks such an undertaking much too arduous for him to engage in; and I see no probability of any material improvement being attempted, unless Government should obtain a grant of the land, and take the necessary measures for bringing it into cultivation.

Except in the neighbourhood of this station, where there are plenty of labourers, who might, perhaps, be prevailed on to cultivate some of the jungle, which has been cleared by the convicts, there seem to be insuperable obstacles to the extension of cultivation in the jungles, from the prejudices of caste, and from the situation of the ryots who have cleared and at present occupy jungle land. During an excursion I lately made for a few days into the jungles as far as Roypore, I went to several villages in five different zemindarries, and made particular enquiries concerning the cultivation and the customs of that part of the district. I found that a distinction prevailed in the heart of the jungles, between abaudy and jungle land. The former, consisting of fine cultivated plains, some of which are on the banks of the Cossei, is occupied by the common cultivating castes of ryots; the latter is in the possession of a poor miserable proscribed race of men, called Sontals. These people being of a very low caste are despised by the ryots of the plains, who would on no account suffer one of them to come and live in their villages, nor would they, of course, live among the Sontals. They seem to think that their castes disqualify them for the atmosphere of the jungles, and for the task of clearing land there, and that the Sontals are unfit for the enjoyment of the abaudy. They are called, by way of distinction, good creditable people, while the Sontals seem hardly to be ranked among human beings; yet the Sontals are mild, sober, industrious people, and though extremely wretched and ignorant, are remarkable for their sincerity and good faith. Their rents are very moderate, and, by the custom of the country are considered as permanent; and though they have no pottahs or writing of any kind, their tenures are hardly ever violated. It seems to be a point of honour with the zemindars, as it is certainly their interest, to treat them well; for such is their timid nature, that on the least oppression they run away, and are heard of no more. But though they hold their lands on easy terms, they are, for the most part, in the lowest state of human misery. They go almost naked, and they seem to be half starved. Their villages are generally situated between cultivated plains and the jungles, in order that they may serve to protect the crops of their more fortunate neighbours from the depredations of deer and wild hogs. They sometimes cultivate their land with considerable success, and raise good crops of rice and collie; but almost all that their vigilance can secure from the ravage of wild beasts, is snatched from them by the more fatal rapacity of money lenders.

lenders. Being always destitute, they are obliged, before they can establish themselves in the jungles, to find a mahaguir, who will engage to feed them till harvest time and to supply them with seed. Money is hardly known to the ryots of the jungles. Grain is the common medium of barter; and the Sontals keep their accounts and pay their debts in grain. The established interest of grain all over the jungles, is half a seer for every seer of rice, borrowed from Chyte and Bysac till Saurin and Bhaudocir (which is the period during which the Sontals are obliged to borrow their food) and the principal and interest are payable from the Aumeen crops in Pous. The interest of paddy borrowed for seed in Jyte and Assai, is double or 100 per cent. and it is payable at the same period; so that the Sontals have to pay interest at the rate of more than 100 per cent. for their food, during four or five months of the year, and near 150 per cent. for their seed. More than half their crops, therefore, generally become the prey of mehajuns, and sometimes they find it necessary to surrender the whole of them. It is evident how very difficult it must be for them ever to get out of debt; and the difficulty is increased by their extreme ignorance and insensibility to the oppression they suffer. Instead of wishing to get rid of their mehajuns, as intolerable pests, they cling to them as their greatest benefactors. They feel indebted to them for their food, and are convinced that they should starve without their assistance; and in the actual state of things, perhaps they cannot do without them. Under all these circumstances, it cannot be expected that the Sontals will increase in number, or labour with any success to better their situation; and on these two circumstances, which commonly go together, the extension of cultivation in the jungles seems entirely to depend.

11.—Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots since the establishment of the permanent settlement, than was observed by the proprietors of land, in general, previously to the conclusion of that settlement; and is the situation and condition of the ryots or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

My answers to Interrogatories Six and Seven, contain the grounds of my opinion, that the permanent settlement has by no means had the effect of inspiring the proprietors of land in this district with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, than they observed before. By the present regulations for the administration of justice, the ryots appear to be sufficiently protected from personal violence, but they may be oppressed by exactions, and legally stripped of all their property before they can sue for redress; and the landholders have never, I believe, displayed more severity in the exercise of their authority over the ryots, than they have done since the permanent settlement. They have not, indeed, been able to scourge and confine them, nor to treat them with barbarity, as was sometimes the case formerly. The ryots at present enjoy a degree of personal security, which they never knew before, and this is certainly a most invaluable consequence of the present system. Formerly there was no such thing as collecting the revenues without personal chastisement. A whipper was considered as a necessary part of a tehsceldar's establishment, and a whip might very probably have been represented as the symbol of his office; nor could the revenues have been collected without it. In those days, sales of land and distress of crops were entirely unknown. Zemindars and ryots would not pay their revenues without some kind of coercion that existed. But strange as it may appear, I believe it to be a certain fact that the ryots were in better circumstances then than they have been in since. The landholders have been always governed in their conduct to their ryots, by the treatment they have experienced from Government. When they were beat and confined by the officers of Government, they did the same to their ryots; but they were much easier in their circumstances then than they have been since, and they suffered their ryots to be so too. Before the conclusion of the permanent settlement, their rents were much lower than they have been since; they used to receive remissions from Government in years of drought and inundation, they were not charged with interest for arrears of revenue, their estates were not liable to be attached and sold; and large balances accrued every year, which, after the lapse of two or three years, were generally written off as irrecoverable. Being in the enjoyment of these advantages themselves, they allowed their ryots to partake of them, and were much less rigorous towards them than they are now. Though they were obliged to use force in making their collections, they seldom proceeded to excessive violence or cruelty, which seem to be by no means congenial to the disposition and habits of a Hindoo. The severity they exercised does not appear to have enabled them to collect near so much from their ryots, as they now do by attachments and sales. A zemindar threatened and beat his ryots, and put them in confinement, but after taking from them as much as they seemed to be able to pay, he soon set them at liberty; and those who had money, would often endure all the severity he chose to inflict, rather than satisfy his just demands. Where there was real poverty, the ryots generally met with indulgence, and they always received remissions on account of losses sustained from drought or inundation. In many other respects too they were better off than they are now. A zemindar seldom thought it worth his while to measure the land held by his ryots, though they generally occupied more than was specified in their pottahs. He frequently granted remissions from the full rates, or suffered the quality of land to be rated below its real standard, by which means it was held for less than the full rent; he sometimes gave advances to indigent ryots, and relinquished arrears of rent; he never levied an arrear by distress, and very seldom ruined his ryots by exactions. When a landholder was pushed hard for the payment of a kist, or had any pressing demand for money, he sometimes

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levied arbitrary exactions from his ryots; but such demands derived a sort of sanction from long custom, and when they were moderate, and there was a real plea for them, the ryots generally submitted to them without murmuring, and found an ample compensation for them in the numerous advantages they derived from his moderation and forbearance in other respects. But all this is now entirely changed; ever since Government have rigorously required the payment of every rupee of the public revenue, the landholders have not scrupled to exact the last anna of rent from the ryots, without mercy.

Before the permanent settlement, the ryots, like most of the labouring poor in all countries, earned no more than a subsistence. Not one ryot in a hundred was able to raise himself to any sort of independence by his industry; and even in the enjoyment of what they possessed, they were secured only by the mercy and forbearance of the landholders, and not by the protection of the laws, or by a sense of their own rights. The rent of land is so high in this district, and I suspect in most parts of Bengal, that unless a ryot contrives to get more land than he pays rent for, or some deduction from the full rates, it is impossible that all the malguzarry land he can cultivate can afford him a subsistence. This was well known to the landholders; and all who understood their own interest, or had the least consideration for their ryots, allowed them those indulgences. But, when they saw their own assessment raised; and the most rigorous measures adopted for the collection of the public revenue; when they found that they were charged with interest for every arrear that arose, and that their estates were liable to be attached and sold, they determined to make the most of their proprietary rights; they often resumed all that they had given up, raised the rents of their ryots to the highest possible rates, and having generally the law on their side, and the means of enforcing it in their own hands, they were able to harass and oppress them without restraint. If the ryots did not enjoy more than a subsistence before, it is evident that these measures must have produced a sad reverse in their situation; and the result of my enquiries on the subject corresponds with the general opinion of the natives, that their situation has, of late years, and particularly since the promulgation of the 7th Regulation of 1799, been worse than it ever was before. Their malguzarry land does not, however, appear to have ever afforded a sufficient resource for their subsistence. They have always found it necessary to practise other occupations besides that of husbandry, and to employ the industry of themselves and their families in many different ways. In order to satisfy myself of their real situation, I some time ago made out lists of five families, containing the number of individuals of which most families of ryots consist, and employed the most intelligent people in the district to draw up detailed accounts of the income and expenses of each of these families in the four divisions of this district; namely Midnapore, Jellassore, Tumlook and Chitwa, where difference of situation, soil and productions, necessarily diversify the occupations of the inhabitants, and the objects of their industry; and for my further satisfaction, I have taken similar accounts from several individual ryots. From the result of all these enquiries, it appears that the profit of malguzarry land does not, on an average, defray half the annual expenses of the ryots, and that the deficiency is derived from the profit of lakhuraj land, and from various kinds of labour and trade. With regard to the lakhuraj land, it is well known that it is almost entirely cultivated by maul ryots. Except in entire villages of lakhuraj land, which do not constitute one-twentieth part of the lakhuraj land of this district, the ryots, who rent it, prefer living on malguzarry land, on account of various advantages they enjoy, which they would run the risk of losing by relinquishing their malguzarry land, and settling on lakhuraj land. The advantages I allude to are, the security in which they live on malguzarry land, owing to the number of inhabitants, and to the establishments of chokeedars and pikes which are kept up there, the right of common for their cattle; and the protection of the zemindar, who would be able to molest them in various ways if they ventured to incur his displeasure, by taking up their residence within the limits of his talook on lakhuraj land, and by cultivating only this sort of land. For these reasons, though lakhuraj land is much more profitable than malguzarry land, owing to the rates being lower, and the mode of payment much easier, the proprietor can hardly ever get any person to cultivate it but the malguzarry ryots of the village; and the zemindar will never allow them to begin ploughing lakhuraj land till they have ploughed their malguzarry land, because the sooner the land is ploughed, the greater probability there is of a good crop; and because it is supposed, that if a ryot were allowed to cultivate his lakhuraj land first, he would neglect his malguzarry land. It is, however, greatly for the advantage of landholders that their ryots should cultivate lakhuraj land; for the ryots not only pay less rent for it, there being a difference of from 4 to 12 annas a begah, in the same sort of malguzarry and lakhuraj land, but their payments are much easier. During the period that the heavy revenue kists are payable, they never pay any rent for their lakhuraj land, and, as the proprietors cannot levy it by distress, and hardly ever think it worth their while to have recourse to the Adawlut, their ryots are generally left to pay it at their own ease and convenience, and are of course rather backward and remiss in their payments.

The produce of the lakhuraj land in this district, appears to be about one-fifth of the malguzarry land. Very little, not more than one-eighth at the utmost, is cultivated by the proprietors themselves. The rest is let to maul ryots; but the proprietors, of course, select for their tenants the most reputable ryots. A considerable quantity of lakhuraj land appears, indeed, to have been cultivated for many years by the families of the present renters; but by the custom of the country, they are only tenants at will, and though they are seldom ousted without cause, the proprietor suffers them to hold the land no longer than they continue to pay the rent. According to the best intelligence I have been able to procure, the proportion of malguzarry ryots who cultivate lakhuraj land, is about 40 in 100, or two-fifths. Being the most considerable ryots, they are supposed to hold more than half the malguzarry land in the district, and the cultivated lakhuraj land being about one-fourth of the cultivated

malguzarry

malguzarry land, it follows that, upon an average, they hold near half as much lakhuraj as malguzarry land. It is evident, then, how very much the collection of more than half the public revenue must be facilitated by the advantages which the ryots derive from the cultivation of lakhuraj land. This circumstance suggests to me the idea of dividing the ryots into two classes; those who cultivate lakhuraj land, and those who have none. The former are seldom employed, except in the management of their own concerns; are, generally speaking, in tolerable circumstances, and pay their revenues with punctuality. The latter, consisting of three-fifths of the ryots, not being able to earn half a subsistence by the cultivation of malguzzary land, are, with very few exceptions, obliged to hire themselves out in all kinds of labour, and to exercise different branches of industry. They are the persons who, from various accidents and misfortunes, are most liable to fall in arrear, and who, with the most powerful claims to protection, have to bear almost the whole brunt of Regulation VII. of 1799. Thus it appears that, in general, the only ryots, who are able to live with any degree of comfort, are those, who, besides their malguzzary land, cultivate lakhuraj land; and that the rest, consisting of at least three-fifths of the whole, are in a state of extreme poverty and wretchedness. The situation of the ryots in other parts of Bengal, and particularly in Burdwan, where the proportion of lackhuraj to malguzarry land is supposed to be nearly that of 3 to 8, is, I have no doubt, much the same; and I trust, therefore, that independent of other reasons, it will never be in the contemplation of Government to raise any revenue whatever from lakhuraj land. In fact, it may be considered as already taxed.

That I may not be suspected of having spoken at all at random of the situation of the ryots, and that I may be able to give a more forcible and satisfactory idea of it than can be done by a general representation, I beg leave to observe, that in the accounts I have received of the income and expenses of the ryots of different parts of this district, though, from the influence of local circumstances, they necessarily differ in several particulars, there is no difference of any moment in the result; and for the further satisfaction of Government, I shall subjoin an abstract of those accounts, showing the income that five different families of ryots derive, in different parts of this district, from the cultivation of malguzarry land, and from other kinds of labour and industry that they and their families are obliged to resort to for their subsistence.

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NAMES and Description of PERSONS.	Quantity of Land Cultivated. Inll. B.	C.	P.	Kolla. B.	C.	P.	Value of the Produce. R.	A.	Q.	Deduct Revenue, and Charges of Cultivation. R.	A.	Q.	Profit of Malguzarry Land. R.	A.	Q.	Produce of Lakhuraj Land, of various kinds of Labour. R.	As.	Q.	TOTAL. R.	As.	Q.
CHUKLA MIDNAPORE:																					
—No. 1.—																					
Labouring man, woman, boy (10 or 12 years of age) and child - - - - - - 4	11	0	0	1	0	0	43	8	0	26	5	0	17	3	0	16	0	0	33	0	0
—No. 2.—																					
Ditto - man, woman, boy of 12 years old, man and woman - 5	11	0	0	1	0	0	43	8	0	26	5	0	17	3	0	27	0	0	44	3	0
—No. 3.—																					
2 Labouring men, 2 women, 1 boy of 12 years, 2 children, old men and women - - 9	22	0	0	2	0	0	88	5	0	56	0	10	32	4	10	39	0	0	71	4	10
—No. 4.—																					
3 D°, 3 women, 2 boys, 3 children, old man and woman - 13	34	0	0	2	0	0	130	2	0	83	9	5	46	9	10	61	0	0	108	1	10
—No. 5.—																					
1 Man, 1 woman, and 1 child -	1	0	0	0	5	0	5	3	0	3	0	0	2	3	0	17	0	0	19	3	0
CHUCKLA JESSORE:																					
No. 1. - as above stated - 4	11	0	0	0	15	0	29	9	0	16	1	0	13	8	0	15	8	0	29	0	0
No. 2. - as - ditto - - 5	11	0	0	1	0	0	31	3	5	16	4	10	14	14	15	25	0	0	39	14	0
No. 3. - as - ditto - - 9	22	0	0	1	10	0	60	10	15	31	10	15	28	9	0	37	0	0	65	0	0
No. 4. - as - ditto - - 13	34	0	0	2	0	0	89	4	10	47	9	0	41	11	10	54	0	0	95	0	0
No. 5. - as - ditto - - 3	1	0	0	0	5	0	3	8	0	1	13	0	1	11	0	17	0	0	18	11	0
ZILLAH TUMLOOK.																					
No. 1. - as above stated in Midnapore - - 4	11	0	0	1	0	0	43	12	10	27	14	0	15	14	10	18	0	0	33	14	10
No. 2. - as - ditto - - 5	11	0	0	1	0	0	43	12	10	27	14	0	15	14	10	31	0	0	46	14	10
No. 3. - as - ditto - - 9	22	0	0	2	0	0	87	9	0	53	14	5	33	10	15	42	0	0	75	10	15
No. 4. - as - ditto - - 13	34	0	0	2	10	0	130	12	10	81	5	0	49	7	10	59	0	0	108	7	10
No. 5. - as - ditto - - 3	1	0	0	0	5	0	5	2	15	3	3	10	1	15	5	19	0	0	21	7	5
CHUKLA BURDWAN:																					
No. 1. - as above stated - 4	11	0	0	1	0	0	46	0	10	31	14	0	14	2	10	19	0	0	33	2	10
No. 2. - as - ditto - - 5	11	0	0	1	0	0	46	0	10	31	14	0	14	2	10	29	0	0	42	2	10
No. 3. - as - ditto - - 9	22	0	0	2	0	0	92	7	10	63	8	0	28	15	10	46	0	0	74	15	10
No. 4. - as - ditto - - 13	33	0	0	2	10	0	138	9	0	94	12	10	43	12	10	67	0	0	110	2	10
No. 5. - as - ditto - - 3	1	0	0	0	5	0	3	15	10	3	6	0	2	9	10	19	8	0	22	1	10

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Taking a medium from the particulars of these accounts, it appears, that a ryot is generally able, by his own labour, to earn about 2 rupees a month; and that, if he has a family, he cannot afford to appropriate more than twelve annas, or a rupee a month, to his own expenses of every kind.

Having laid before Government the extreme poverty and depression of the ryots, it will naturally be expected that I should propose some measures for their relief. I know only of two, which can be adopted without a complete change of the whole revenue system; and these would, I think, be productive of considerable relief, without endangering the security of the public revenue. I mean, that some checks be established to prevent the oppression that the ryots suffer from exactions by abuses of the 7th Regulation of 1799, and that some alteration may take place in the present kistbundy of this district, according to which, near half the revenues are payable before the ryots can reap their harvest and sell their grain. On the former subject I have explained myself very fully in my answer to Interrogatory 6; and on the latter, I addressed the Board of Revenue on the 28th of September, and though they rejected the proposition, I cannot forbear taking this opportunity of submitting it to the consideration of Government.

I explained to the Board, that nine annas, 9/16th of the year's revenue, being payable till the end of Poes, which is the fourth month of the year in this district, and the crops produced till that period not being worth more than two annas (1/8th), the ryots were obliged to raise money on the annum crop, to enable them to pay the remaining seven annas, as they became due; but I ought to have excluded the kist of Poes, which I find the ryots pay by selling their crops as soon as they are gathered, so that there remains only three annas and a half, or, generally speaking, about one-fourth of their rents, which they are obliged to borrow. I mentioned, that by the terms on which they repaid the money in grain, the interest of it amounted to 40 per cent. But this is the profit to the lenders, according to the market price of grain in Aughun and Poes, when the money was lent, which is at least ten per cent. less than it is worth in Phaughun and Chyte, when the grain bargained for is delivered to the lender. So that the ryots evidently lose about 50 per cent. on one-fourth of their yearly rent, which they are under the necessity of paying before they can gather and dispose of the crop from which it is derived; and, to enable them to pay the kists of Poes and Mang, which amount to more than one-third of the revenues, they are obliged to sell their grain to great disadvantage. It will not be denied that these circumstances must operate as most grievous taxes on the industry of people, who are not able to earn half their subsistence from as much malguzarry land as they can possibly cultivate.

The Board, in their answer to my proposition for altering the sudder kistbundy, observe, that they are by no means assured, that a similar indulgence would be granted by the zemindars to the ryots, nor that such indulgence could be granted by the zemindars, consistently with the security of their own rents; and that they are of opinion, it would be highly objectionable to interfere in regulating the engagements between them and their tenants. On each of these points I shall take the liberty to offer a few remarks.

It appears to me, that if Government thought proper to alter the kistbundy, a matter of such general concern would soon circulate all over the district; and that though some landholders would endeavour to anticipate their rents, as they do now, the majority would, readily, and of their own accord, adjust their Mofussil demands according to the sudder kists; and that the great body of the ryots would never consent to forego so great an advantage, when given to understand that the zemindars had received it for the express purpose of extending it to them, and that, if they collected more than might be due, according to the new kistbundy, they would be liable to the penalties prescribed for exactions.

With regard to the security of the zemindar's rents, I do not think it could be materially affected by the proposed indulgence, which is no more than to transfer, in equal proportions, to the kists of Mang and Phaugun, three of the seven annas at present payable in Aughun and Poes; for the ryots would still have to pay the postponed three annas, as soon as they could sell their grain to advantage. I find, however, that many, perhaps half the landholders, are averse to any change; though they acknowledge the hardship the ryots suffer from the present kistbundy, and do not pretend to say, that they would appropriate their grain in any other way than to the consumption of their families, and occasionally, perhaps, to satisfy a debt that they may have found it necessary to incur at the beginning of the year. But the proprietors of land, paying revenue to Government, have an idea that every thing must give way to them. They think that a ryot has no right to stop the cravings of hunger till he has satisfied their claims of rent. The ryots are frequently obliged to surrender all their grain in payment of their debts to zemindars and money lenders, and then to live till the next harvest by borrowing at enormous usury, and paying an advanced price for their food. But I am happy to observe, that the most liberal and intelligent landholders I have consulted, are of opinion, that their rents would not be endangered by the proposed alteration in the kistbundy; and it seems reasonable to suppose, that instead of being in a hurry to dispose of their grain, the ryots would endeavour to keep it as long as possible, because the price of grain almost invariably undergoes a regular progressive increase till the latter end of the Saween.

The last objection to the proposed alteration in the kitsbundy, is founded on the impropriety of interfering at all with the engagements subsisting between the landholders and their tenants; and it would certainly involve a change in the terms of those engagements, or in the custom of the country, which often supplies the want of such engagements, and is of equal force with them. I conceive this objection to arise from an idea, that all existing engagements would be infringed; that difficulties and confusion would arise in the collection

of

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of the revenues; and that the engagements subsisting between landholders and their tenants, having been valid when they were entered into, and being conformable to the existing Regulations and the custom of the country, must determine the decisions of the Courts of Justice, in case of disputes, notwithstanding any alteration that may take place in the kistbundy. To obviate these difficulties, I beg leave to observe, that it is not usual for the ryots to execute kistbundies, and that this sort of engagement has seldom been entered into by fixed tenants of any description. Farmers are almost the only persons from whom kistbundies are taken; but in this district, their kists, in common with those of fixed tenants and ryots, are payable according to the sudder kistbundy; and their rent being engaged for separately, this engagement cannot, I conceive, be affected by a change of the sudder kistbundy; though it would be necessary, in case of such an alteration, to make the mofussil kistbundy correspond with it. The sudder kistbundy is the rule and standard by which the mofussil demands have for many years been regulated in this district. To continue the latter, therefore, on their present footing, after an alteration in the former, would be to change the custom of the country. This custom is so well established, that no zemindar would consider himself at liberty to collect his rents according to a different kistbundy from that by which his own revenues are collected by Government, nor would ever think of attempting to recover a claim, founded on such a distinction, by regular course of law; and if he did, I conceive that no Court of Justice would hesitate to dismiss the cause. In fact, the Regulations (Section 3 of Article 23, Regulation VII. of 1799) which positively prohibit anticipations of rent, would bar a decision in his favour. Anticipation of rent must, I conceive, mean the collection of a greater proportion of the mofussil rent than is in demand according to the sudder kistbundy. If any other construction were adopted, there would be no security for the public revenue in case of attachment, which it was the express object of the Regulation quoted to provide for.

It therefore appears to me, that the only serious objection to the proposed alteration in the kistbundy is, the idea entertained by many of the landholders, that it would deprive them of the only security they possess for the collection of the revenues, namely, the produce of the lands cultivated by their ryots, which it is alledged the ryots would have time and be inclined to dispose of, and then withhold their rents. But this is by no means the general opinion of the landholders: it is contradicted by the most intelligent men I have conversed with on the subject, and seems unreasonable in itself, for the reasons I have mentioned. To justify the rejection of a proposition, which has for its object, not merely to contribute to the comfort and convenience of the great body of the ryots, but to save their crops from the hands of rapacity, and to make the very slender subsistence they can derive from their labour somewhat less precarious than it is at present, as well as to leave them less at the mercy of usurers; to justify, I say, the denial of such relief to the great body of the people, whose very reduced and comfortless situation gives them so strong a claim to it, I conceive it ought to be very clearly and satisfactorily made out, that the interest of the zemindars, and the security of the public revenue, would be injured by the proposed alteration of the kistbundy; but this has by no means been done; and even if it had, I conceive that it would still be very properly a question, whether the well-being of the ryots ought not to supersede every other consideration, and to be the foundation on which the whole revenue system ought to be raised.

12.—What is the state of the roads in your district? Are there any parts of the district, the making of roads through which would be particularly beneficial to the country; and what would be the expense attending the work?

I have made a full report to the Board of Revenue upon the state of the roads in this district, on the 13th of October 1800, in answer to the Interrogatories of Government, transmitted to me on the 1st of May. I also pointed out those that were of most use, and sent an estimate of the expense of putting them in repair. The Magistrate has since been authorized to repair one of them, the road to Burdwan, which is the route by which the troops, marching to the relief of this station, generally come; but it is of little use, except for the accommodation it affords to the troops and to travellers. In a commercial point of view, there are no roads, I think, in this district, which would be particularly beneficial to the country; the little trade that exists being chiefly carried on by water during the rains; and at other times, the roads, in their present state, serving well enough for the carts and bullocks, by which goods are transported from one place to another.

13.—What is the estimated number of the inhabitants of your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

The Magistrate has ascertained, by an actual enumeration, that the number of inhabitants in this district, including Hidjelly, amounts to near a million and a half; and he is of opinion that about one-eighth of them are Mahomedans.

14.—What are the most valuable articles of produce in your district; and has the cultivation of them particularly increased of late years? What is supposed to be the causes of that increase?

The only valuable articles of produce in this district, are indigo, beetle-nut, and sugar-cane; but the plantations of the two first articles do not consist of more than a few hundred begahs. The value of the sugar-cane does not exceed 50,000, and the cultivation of it does not appear to have increased of late years.

15.—Are the stamp duties becoming more productive; and what sum do you expect those duties will produce in your district in the present year?

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I expect that the stamp duties will produce near S.R$ 7,000. which is about 1000 rupees more than they produced last year; but I do not think there is any probability of a further increase.

16.—Are the abkarry collections increasing or decreasing?

Within the last three years the abkarry collections have nearly doubled; and they are still increasing, but not so rapidly as they have done.

17.—Are there any articles in your district on which a productive tax might be levied, without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

After the account I have given of the situation of the landholders and ryots in this district, it will not, of course, be expected, that I should propose a tax, by which they may be liable to be affected, in the remotest degree. There has never been a country, I conceive, enjoying the advantage of a regular and permanent government, which afforded fewer resources for *new* taxes, than these provinces do. The immense revenue derived from the land tax, from the customs, and from salt, from the abkarry, from judicial fees, and stamps, and from the internal duties lately established, seem to have taken from the country all that it is capable of affording. The great resources of internal taxation in England, arise from the vast demand for all sorts of luxuries and superfluities, which are the proper objects of taxation; but in these provinces, the natives of the highest orders approach so near the lowest, in their whole domestic economy, there is such extreme simplicity and parsimony in their manner of living, and in every thing about them, that the rich cannot be made to contribute to the exigencies of the Government in any degree of proportion to their ability, except by a tax on their income; and, if new taxes must be imposed, I know of no one that can operate with less severity and oppression, than a tax on the wealthy Hindoos of Calcutta, who have acquired their fortunes, or been able to enjoy and improve them, under the government of their present rulers. I would by no means, however, be understood to recommend such a tax; which would, I conceive, destroy, in the minds of the opulent natives, their only motive of attachment to the Government, and their only ground for preferring it to the Mahomedan Government, or to that of the Mahrattas, namely, their perfect confidence in the inviolable security of private property. I only mean to say, that I conceive such a tax would be less exceptionable than any tax that could be levied in the Mofussil; where the great landed proprietors are, for the most part, quite ruined; the small proprietors, and the intermediate tenantry, reduced to the necessity of employing every expedient that can be thought of, to save their lands from forfeiture and sale; and the great body of the ryots and weavers in a state which affords them no more than a bare subsistence. The profits of trade appear to me to be the only resource for a tax in the Mofussil; but it would bear so very severely on the inhabitants, that I hope it will never be thought of. All the trade of any consequence in the country, passes through the cities in which duties have been established by Regulations X. and XI. of 1801. These duties are said to be as high as the trade can bear, and seem to have caused a very general dissatisfaction and alarm. It cannot, therefore, I imagine, be in the contemplation of Government to extend them to the Mofussil, where I beg leave to deprecate the introduction of them in any shape, or under any restrictions; because it appears to me that, to be at all productive, they must ultimately fall on those who cannot afford to pay them; and because I am convinced, that owing to the abuses inseparable from all transactions carried on by petty native officers with small salaries, placed out of the reach of the inspection and controul of the Company's servants, they would, in general, have to pay twice as much as would ever find its way into the public treasury.

18.—What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

The descriptions of rent-free lands in this district are, Dewutter, Bermutter, Bysunbutter, Mohuteran, Peerun, Fukeeraun, Bhuttatter, Gonnoekoetor, Mududnaush, Melk, Khanabary, and some others, which are merely different names for the same thing. There are about begahs 3,76,000 of rent-free land, which is about one-fourth of the quantity of cultivated malguzarry land; but the best sort of land having hardly ever been alienated from the malguzarry, and very little of the second sort, and the rates being considerably lower, its produce is not supposed to amount to more than 1-5th of the jumma of the lands which pay revenue to Government.

19.—Which of these descriptions of land are, in general, in the best state of cultivation; the rent-free lands, or the lands which pay revenue to Government?

The same ryots, in general, cultivate both descriptions of land, and do not, as far as I can learn, bestow more pains on one, than on the other; but being forced, by the proprietors of the land paying revenue to Government, to plough their malguzarry lands first, and it being advantageous to begin ploughing early in the season, lakhuraj land is said not to produce quite such good crops as malguzarry land, but a much greater proportion of lakhuraj land is cultivated than of malguzarry land; the reason of this is, that almost all the lakhuraj land having been granted, from motives of piety or affection, as an immediate resource for the objects of these sentiments, was in cultivation at the time it was granted; and the rent being lower, and the terms of payment much easier than those of malguzarry land, it is much less liable to be neglected and become waste; and if, by any accident, it ever becomes so, it very seldom remains in that state long.

20.—What

20.—What descriptions of old rupees are current in your district?

All descriptions of old rupees, from 19 and 15 down to two suns, are current in several parts of Jellassore, and in some other pergunnahs on the Mahratta frontier, and in the jungles. In Midnapore, 19, 15, 12 and 11 suns are often seen.

21.—What is the reason that these rupees continue in circulation, and how are they replaced as they become worn and diminished in value; the 19 sun sicca rupee being the only descriptions of rupees struck in the provinces, and that being the rupee in which the public revenue ought to be paid?

The reasons that these rupees continue in circulation appear to be, that the ryots have paid their revenue in them for ages, and are attached to their old customs; that the landholders find it their interest to collect their revenues in them, because they gain a small profit by batta; that those parts of the district, in which rupees of sorts circulate most, being near the Mahratta frontier, the inhabitants have constant intercourse and trade with the Mahrattas, who take them at par, or at a very trifling discount, while they exact a batta on the millea sicca rupees, equal to the batta that is taken in the Company's provinces on rupees of sorts. There is, likewise, a considerable demand for these rupees for the use of pilgrims passing through this district to the Hindoo temple of Juggurnaut in the Cultac country. The landholders sometimes exchange their rupees of sorts in the Mofussil, but more frequently bring them to the podars of this town, who derive a considerable profit from exchanging them into sicca. It is supposed that the rupees of sorts exchanged here in the course of the year amount to about a lac and a half of rupees. In the natural course of things these rupees find their way back to those parts of the country where there is a demand for them, in consequence of the revenues being paid in them, or for purposes of trade. The difference between the batta for which the podars receive them in exchange for sicca, and the batta which they give for converting them again into sicca, of course constitutes their profit; and when they have more rupees of sorts in their hands than they can dispose of in this district, which is in general the case every year, they remit the surplus to their correspondents at Calcutta, where there is a constant demand for those rupees; which enables them, on an average, to make, by the exchange there, about three-fourths of the profit they realize here.

22.—What rules would you recommend to be adopted, for the purpose of introducing the 19 sun sicca rupee into general circulation, and of rendering it advantageous to all persons to reject any other description of rupees?

The only way, I conceive, in which the 19 sun sicca can be introduced into more general circulation is, by allowing rupees of sorts to be received in payment of the revenue; in which case, I have no doubt, the landholders would find it their interest to bring them to the public treasury, instead of exchanging them through podars, and by them remitting them to the Calcutta mint, to be recoined. But under the circumstances stated in my answer to the preceding Interrogatory, it appears to me, that the circulation of rupees of sorts can never be entirely put a stop to in this district; because it must be the interest of all persons, who have any intercourse or concerns in trade with the inhabitants of the Mahratta country, to provide themselves with those rupees.

23.—Do gold mohurs circulate in your district; to what extent, and do they pass at par, that is for the value of 16 S.R^s, when tendered for the purchase of goods, in payment of private debts and public demands, it is, of course, received at the rate which the law requires?

In this district gold mohurs appear to circulate chiefly in the collection of the revenues, and at this station; at Tumlook, and a few other considerable places. In the Mofussil the ryots, weavers, petty traders, and shopkeepers, seldom take gold; and it is a general rule all over the district, and even in the town, that all sorts of provisions be paid for in silver; and a gold mohur is never received at par in payment for them. But in the purchase of cloth (except of a weaver) and generally of all other commodities, gold mohurs pass at par; in the exchange of gold for silver it generally bears a batta, which varies from one anna to six or seven, at different times of the year, at this place; but is generally less in the Mofussil, and sometimes does not exist at all there, owing to the demand for gold to pay the revenue, and owing to there being no podars. Wherever there are podars, there is a collusive combination, which, I am inclined to think, sometimes keeps up a batta on gold, when, according to the real state of the market it ought to bear a premium, or at least to be at par.

24.—Has the establishment of the currency of the gold mohur, in the interior of the country, operated beneficially or otherwise?

I have stated, that the currency of the gold mohur has prevailed very little in the interior of the country, except in the payment of the revenue; so far it may have been found convenient, from the facility of transporting it.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of lands held exempt from the payment of revenue?

Fair copies of the Quinquennial Register of lands paying revenue to Government, for the year 1197, have been made in the English and Bengal languages; considerable progress has been made in the register for 1202, in both languages. Rough drafts have been prepared for the Quinquennial Register, and of the register of intermediate mutation; and the original register of rent-free lands, required by Regulation XIX. of 1793, has been brought

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Answers by the COLLECTORS.

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down to No. 6,200, which is rather more than half of it. The reason that further progress has not been made in these registers, is, that none of them were begun when I received charge of my office.

26.—What description of persons are, in general, the purchasers of the lands disposed of by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

When the great zemindarries in this district were first sold, the zemindars servants were very often the purchasers. Since that time landholders, dealers in grain, and salt, and a few monied men, who have no particular occupation, have become the purchasers. In the large zemindarries, the ryots are, in some instances, better satisfied with their new landlords, than with the former proprietors, because the former find it their interest to conciliate and use them tolerably well, and the latter were in the habit of parcelling out a part of their estates, on short leases, to farmers, who, sometimes, exacted all they could by every species of violence and oppression. But in general they seem to regret, and particularly those of small estates, that they have fallen into new hands; and that, instead of a landlord who lived among them, and knew their circumstances and situation, and was seldom disposed to proceed to extremities, they are now subject to the authority of a person who is entirely unacquainted with them, feels no sort of sympathy for them, and who, having merely purchased the estate, for the purpose of laying out his money to advantage, is eager to indemnify himself as fast as possible. With regard to moderation, and a desire to improve their estates, I cannot discover that the purchasers of the lands disposed of by public sale form an exception to the landholders in general, whose conduct in these respects is mentioned in my Answers to Interrogatories 7 and 11.

27.—Are you of opinion that any of the proprietors of lands in your district would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma); and how many years purchase do you suppose the proprietors would offer for such remission?

I am of opinion that half the talookdars in this district would be glad to purchase the permanent remission of 10 per cent. of the fixed jumma assessed on their lands, and that they would consent to pay four years purchase for it; which, considering that the estate, from the profits of which they are to be indemnified, is already their own, is, I conceive, as much as it is worth.

28.—What is your opinion as to the effects which the disposal of a proportion of the jumma, in the manner proposed in the preceding question, (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

I do not think that the disposal of a proportion of the jumma, in the manner proposed in the preceding question, would have any considerable effect on the general improvement of the country, for the reasons stated in my answer to Question 7th. It appears to me that the greatest advantage that Government would derive from such an arrangement, would be the security of the public revenue, and the certainty of almost invariably collecting it with punctuality, as landholders, whose estates are moderately assessed, very seldom suffer them to come under attachment. But it is evident that the proprietors of those estates, in which a reduction of the assessment would be most beneficial, (I mean those which are too highly assessed) would, in general, be least able to purchase it; and I conceive that the public revenue of most of the estates, of which the proprietors would be able to purchase the remission a part of it, is already sufficiently secure. But with regard to the first-mentioned estates, I am of opinion that it would be very advantageous to Government to carry the proposed arrangement into effect to the greatest practicable extent, and that several of the proprietors would be able and willing to pay for any remission in their jumma, full as much as it is worth.

(Signed) *J. H. Ernst*,
Coll^r.

Midnapore,
12 February 1802.

(Mymunsing.)

To the Most Noble Marquis WELLESLEY, K. P. &c. &c. &c.
Governor General.

My Lord,

IN obedience to the orders of the Honourable the Vice President in Council, communicated by Mr. Sub-Secretary Dowdeswell, under date the third ultimo, I have the honour to transmit your Lordship a Copy of my Answers to the Interrogatories sent me, regarding the internal state of this district.

I have the honour to be,
My Lord,
Your Lordship's most obedient, most humble servant;
(Signed) *Francis Le Gros*,
Coll^r.

Mymunsing,
the 29th January 1802.

No. 1.—par 2.

Answers by the COLLECTORS.

Mymunsing, 29 January 1802.

INTERROGATORIES to the Collector of Mymunsing.—1.—Are the crops of the present year expected to be productive?

ANSWERS by the Collector of Mymunsing.—The harvest is now getting in, and I am happy to state, with every promise of abundance.

2.—What is the amount of the balance outstanding in your district on account of the past year; and what is the state of the collections of the present year?

The balance outstanding in this district on account of the past year, is S.R[s] 28,383. 13. 19. 1. of which the following is a detail:

Account Serberah carry mehals	-	-	-	5,228	15 18 2
- D° - Mehals Khas unproductive	-	-	-	9,252	13 15 1
- D° - Mehals, the property of Government	-		-	4,022	11 18 —
- D° - Mehals unengaged for	-	-	-	2,181	15 10 1
- D° - Topekhanna, a nominal mehal	-		-	1,177	10 4 1
- D° - Loss by sale	-	-	-	2,446	10 17 3
- D° - authorized suspensions	-	-	-	4,072	15 15 1
Total	-	-	S.R[s]	28,383	13 19 1

The amount collected on account of the present year	-	-	-	3,75,748	7 7 3
Balance Account kists of the present year, to this day	-	-	-	1,44,000	— — —
Total demand up to Aghun	-	-	S.R[s]	5,19,748	7 7 3

3.—What is the amount of the jumma of the lands which have been or are expected to be sold in your district, for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

The amount of the jumma of lands which have been sold on account of balances of the past year in this district, is S.R[s] 13,496. 14. 3. 3. these lands have sold favourably. No further amount is expected to be realized by sale on this account, though many petty mehals, the jumma of which is stated to be R[s] 7,002. 13. 5. 1. have been exposed to sale, but, from over-assessment and want of assets, have proved unsaleable; they are consequently held khas, and will be again, at the expiration of the present year, put up, but I fear will not meet with purchasers.

4.—Are the existing Regulations for collecting the revenue of Government from the zemindars and other proprietors of lands, with whom a permanent settlement has been concluded, well calculated to secure the punctual collections of the public revenue, without, at the same time, affecting the security or value of landed property?

The existing Regulations, I should imagine, are well calculated to secure the punctual collection of the public revenue in general; but in this district, I fear, no pecuniary mulct will answer that end, whatever fine may be levied on the proprietors of large estates; for their want of good faith, in withholding the stipulated payment of their revenue, is, I fear, made good to them by the exactions from the ryots; and even when this may not be the case, the present fine of 12 per cent. added to the same rate of interest, bears no proportion to the general rate of interest in the Mofussil, so that it becomes an object with them to withhold the payment of any large balance till the estate is on the point of being sold. I am, therefore, of opinion, that to secure the punctual collection of the revenue in this district, the 4th Section of Regulation XIV. of 1793, should be enforced. The Regulations do not affect the security or value of the landed property.

5.—Are the existing Regulations for collecting the revenue of Government, from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

The Regulations, as they at present exist, are, in my humble opinion, well calculated for the security of this object.

6.—Are the existing Regulations for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers and from their ryots, well calculated for the purposes intended, without, at the same time, affording to the proprietors and farmers of land the means of oppressing their under farmers and ryots?

The existing Regulations are perfectly well calculated for enabling zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers and ryots; and if the zemindars, &c. are guilty of oppression, redress is to be had from the Courts; but as the poorer class of ryots are possessed of no property, saving their implements of husbandry, and a brass pot or so, they possibly may not have the means of carrying on a prosecution; and even in the event of their instituting a suit in the Court, from the necessary attendance, they would, in some measure, be obliged to forego their daily labour.

7.—When

No. 1.—part 2.

Answers by the COLLECTORS.

Mymunsing, 29 January 1802.

7.—When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

My appointment of Collector of this district bears date the 28th December 1795. Its cultivation has been improved and extended since the first year of the Decennial Settlement, to a degree of about 2-16ths. The proportion of uncultivated land to the cultivated may be about 4-16ths, or one-fourth.

8.—Do the proprietors of estates, in general, derive a profit exceeding the 10 per cent. on the jumma, the profit estimated to be left to them on the conclusion of the Decennial Settlement?

Speaking generally, the proprietors of estates do derive a profit exceeding 10 per cent. on the jumma, some estates yielding more than 20, 30, and 50 per cent. on the jumma, and some more than 100; while, on the contrary, other mehals, now under khas management, do not yield the jumma at which they are assessed; some are merely nominal; and others, from being unproductive of any profit, the proprietors have refused to engage for.

9.—What is the present state of the embankments in your district?

There are no embankments in the district.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

The answer to Query No. 9, in part applies to this Interrogatory. From the vast influence of water in this district, which is every where intersected with rivers of very fine water, tanks are not requisite, the proprietors do not dig them, nor do they expend any thing considerable on any public work.

11.—Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land in general, previously to the conclusion of that settlement; and is the situation and condition of the ryots, or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

I believe the establishment of the permanent settlement to have very little weight whatever on the conduct of the proprietors of lands in this district; and I ground my belief on this circumstance, which, strange as it may appear, is absolutely a fact, that I have not met with any landholder whom I could persuade of the permanency of such settlement; and I know, that Mr. Tufton, when Collector here, laboured, but in vain, to convince them of it. Now that the ten years have expired, if they actually had any doubts, they must have ended with them. As to the immediate cultivators of the soil, I fear, that in many instances, they are subject to exactions from their landholders; but of this and other grievances which may exist, they may have redress on application to the Court, provided the obstacles I have ventured to surmise in my reply to Para. 6th, do not operate to the prevention of such application.

12.—What is the state of the roads in your district? Are there any parts of the district, the making of roads through which would be particularly beneficial to the country, and what would be the expense attending the work?

I know of but one public road in this district, and this has been made by the convicts, under the direction of the Magistrate, round the town of Nussirabad, a compass of perhaps four miles. It is kept in good order by the Magistrate. This district being in general so low, it would be very expensive to make roads through it, at least to keep them in repair, which they would necessarily require after every season of the periodical rains; neither are roads so absolutely necessary in this, as they may be in many other districts, the numerous rivers affording at all times an uninterrupted intercourse, and no carriage being used for transporting goods by land. In a former letter on this subject, under date the 5th November 1800, in reply to a circular letter from the Board of Revenue, I ventured to surmise the expediency of cutting two roads through the great jungle that extends from near the city of Dacca, across the greatest part of this district; viz. one at Bhawal, where the dawk passes in the dry season; the other near Mehapoor, which is at that period of the year much frequented by foot passengers. This road should be made, merely by clearing away the jungle, for the space of at least 50 feet wide, which I compute might be done at the rate of 100 rupees per mile; and as the jungle in the first of these places extends to about 15 coss, or 30 miles, the expense, at this rate, would amount, of consequence, to R^s 3,000. The other, being only four coss in extent, would, at the same estimate, cost 800 rupees; but being much nearer to the sudder, might perhaps be performed by the convicts. This jungle is much infested with banditti, and is the resort of every wild animal common to Bengal.

13.—What is the estimated number of the inhabitants of your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

The number of inhabitants of this district may be estimated at 6,00,000; and the proportion of Mahomedans, I suppose, is equal, perhaps exceeds, that of Hindoos.

14.—What are the most valuable articles of produce in your district; and has the cultivation of them particularly increased of late years? What is supposed to be the cause of that increase?

The

The great staple article produced in this district is rice of a coarse kind; mustard-seed is likewise cultivated to a considerable extent; and these two articles include the general production; and have of late years increased in cultivation, owing to the markets being of late more fully attended than formerly; and this I can only ascribe to the good system of police which prevails and affords protection to the dealers.

15.—Are the stamp duties become more productive; and what sum do you expect those duties will produce in your district in the present year?

The stamp duties are becoming rather more productive, as will appear by the undermentioned statement; viz.

Collected on this account to the end of December 1800, 4,876. 14.; collected to the same period, account 1801, 7,326. 8.—The whole sum collected last year was 8,165. 8. and may this year amount to R. 10,000.—The expenditure is entirely confined to the Courts and the Collector's department.

16.—Are the abkarry collections increasing or decreasing?

The abkarry collections, which last year fell short of the preceding, are again increasing.

17.—Are there any articles in your district on which a productive tax might be levied, without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

With exception to the articles of tobacco, goor, pawn, and beetle-nut, I do not know of any others on which a productive tax could be levied, without oppression to the people. Regarding the tax on these articles, the mode of levying it, &c. I had the pleasure to report my sentiments in a letter to the Secretary to the Board of Revenue, under date the 1st November 1800; in which I stated it as my opinion, that the tax on tobacco particularly, would, I feared, be considered by the natives as oppressive. I likewise ventured to surmise, as the most eligible mode for levying such tax, that shops be licensed for the vend of these articles, in like manner as for the abkarry; which I still continue to think would be the most eligible, the rates being settled in the same proportion as for the above article.

18.—What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

Rent-free lands are:—Altumga, Mudadmash, Dewutter, Boisnobuter, Burmutter, Mohatran, Chiraghy, Aimah, Pirpal, Kheyrant or charity lands. The proportion of the produce of these lands is nearly on a par with the jumma of the lands paying revenue, perhaps exceeds it a trifle.

19.—Which of these descriptions of lands are, in general, in the best state of cultivation; the rent-free lands, or the lands which pay revenue to Government?

The cultivation is also nearly equal.

20.—What descriptions of old rupees are current in your district?

Arcot are the only description of old rupees current in this district, and that to no great extent.

21.—What is the reason that these rupees continue in circulation, and how are they replaced, as they become worn and diminished in value; the 19 sun sicca rupee being the only description of rupee struck in the provinces, and that being the rupee in which the public revenue ought to be paid?

These rupees circulate only in private transactions; and as they become worn and diminished, they are passed among the natives at their intrinsic value, who even reduce them by cutting; in which state they are purchased by the shroffs and poddars, and remitted to Dacca, and exchanged for the sicca rupees.

22.—What rules would you recommend to be adopted, for the purpose of introducing the 19 sun sicca rupees into general circulation; and of rendering it advantageous to all persons to reject any other description of rupees?

I would humbly propose, that for a limited space of one year, all such descriptions of coin be received in payment of revenue, but at the intrinsic worth of the silver, with an allowance also for re-coinage. I think this must bring the whole of such coin in that time to the treasury. If, after that period, it be in anywise tendered, the Magistrate might be empowered to seize it on the part of Government. It would be but just, at the same time, to receive all such coin at the treasury at the above rate, and give siccas in exchange.

23.—Do gold mohurs circulate in your district; to what extent, and do they pass at par, that is, for the value of 16 sicca rupees when tendered for the purchase of goods; in payment of private debts and public demands, it is, of course, received at the rate which the law requires?

Gold Mohurs circulate in this district to an extent of about one-third in proportion to two-thirds of silver, and to their full value of 16 rupees, as well in purchase of goods, &c. as in payment of all demands, public or private.

24.—Has the establishment of the currency of the gold mohur, in the interior of the country, operated beneficially or otherwise?

The establishment of the currency of the gold mohur has operated beneficially in the interior of the country.

No. 1.—part 2.

Answers by the COLLECTORS.

Mymunsing, 29 January 1802.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands held exempt from the payment of revenue?

The general pergunnah registers of malguzarry and lakhuraj lands are preparing from the records in the Serrishta, and are in a state of forwardness: from these the periodical registers will shortly after be prepared and transmitted to the Accountant to the Board of Revenue, when transcribed fair.

26.—What description of persons are, in general, the purchasers of the lands disposed of by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

The purchasers are, in general, the proprietors of the nearest estates to those sold; and as it very frequently happens that the original proprietors, by tampering with the renters, throw every obstacle in the way they possibly can, it is some time before the purchaser is fully put in possession. Suits are necessarily entered into on the occasion, which, till decided, the purchaser will not naturally think of improvement; in cases, however, where no obstacles occur, the system of improvement may be traced.

27.—Are you of opinion that any of the proprietors of lands in your district would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma); and how many years purchase do you suppose the proprietors would offer for such remission?

I am of opinion that some few of the landholders would purchase a remission of part of their fixed jumma, on the terms mentioned, provided the proportion so purchased be separated from and not made responsible for the balance due from the Khiraf lands; and that eight or ten years purchase would be offered by the proprietors for such remission.

28.—What is your opinion as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question, (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

I think, if the arrangement above alluded to be carried into effect, to its greatest practicable extent, it would produce a general improvement throughout the country; but I fear few of the landholders in this district have the means of purchasing to any great extent.

Mymunsing, 9th January 1802.

(Signed) *Francis Le Gros*, Coll.r.

(Moorshedabad.)

To N. B. EDMONSTONE, Esq. Secretary to the Government.

Sir,

IN obedience to the orders of the Honourable the Vice President in Council, conveyed to me through Mr. Secretary Dowdeswell, under date the 3d December last, I have the honour to submit, for the consideration of his Excellency the Most Noble the Governor General, a Copy of my Replies to the several Interrogatories regarding the internal state of this district, which accompanied Mr. Dowdeswell's Letter of the 29th October preceding.

I am, Sir,

Your most obedient servant,

Z.h Moorshedabad, 11 Feb. 1802.

(Signed) *Tho. Hayes*, Collector.

INTERROGATORIES.—1.—Are the crops of the present year expected to be productive?

REPLIES.—Of the lands comprised in this district, those situated on the eastern side of the river Bhaugrutty are denominated Baugry, or Low Lands; and those on the western side "Rarch," or High Lands. The bhaugry lands having been exposed to the effects of the late inundation, the bhadun crops were in many situations materially injured, and in others totally destroyed. Several of the ryots, or cultivators of these lands, perished from hunger, and those who escaped with their lives, in consequence of the loss of their habitations, their cattle and implements of husbandry, were reduced to the greatest distress. The "Rarch," or high lands, not having experienced the effects of the above calamity, excepting in situations adjacent to the river, yielded a plentiful harvest in the month of Aughun, the period at which the crops of the lands of this description arrive at maturity.

2.—What is the amount of the balances outstanding in your district on account of the past year, and what is the state of the collections for the present year?

The arrears at present outstanding in this district, on account of the past Bengal year, amount to S.R.s 6,000. This sum however includes a balance of S.R.s 3,000. due from pergunnah Rocumpour, the estate of the late Soorjnaram Roy Sudder Canongoe, during whose lifetime it accumulated, and being forthcoming from the surplus proceeds of the sales of different portions of the estate, which have taken place in other districts, the arrears of this district

district cannot in fact be said to exceed S.R$ 3,000. The collections of the present year have been in some degree retarded, in consequence of the injury which the country has sustained from the late inundation; but in the event of the chyte crop being productive, I have every reason to hope, that the greater part of the public assessment will be realized at the close of the year.

No. 1.—part 2.

Answers by the COLLECTORS.

Zillah Moorshedabad, 11 February 1802.

3.—What is the amount of the jummah of the lands which have been or are expected to be sold in your district, for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and, if the latter, what is the cause of the unfavourableness of the sales?

The jumma of the lands which have been sold for the discharge of the arrears outstanding in this district, on account of the past Bengal year, amounts to S.R$ 17,455. 5. 15. The estates disposed of have in general sold at a favourable price, with the exception of such of them as include "Muzcoory," or independent talooks, the proprietors of which are entitled to separation under Section 5 of Regulation VIII. of 1793.

4.—Are the existing Regulations for collecting the revenue of Government from the zemindars and other proprietors of lands, with whom a permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without, at the same time, affecting the security or value of landed property?

The existing Regulations for collecting the revenue of Government from the zemindars and other proprietors of land, with whom a permanent settlement has been concluded, are unquestionably well calculated to secure the punctual collection of the public revenue.

A penalty on the amount of the arrear, added to legal interest thereon, with the immediate supercession of the defaulter in the management of his estate, through an Aumeen, to be paid at his expense, and an ultimate sale of part of the estate, in the event of the sequestered growing resources till the end of the year not making up the deficiency, are probably the strongest engines of terror and compulsion which could be devised, when the personal restraint of the defaulter is prohibited. I think it necessary, however, to remark, that the attainment of the object intended by the above Regulations is in some measure impeded by the supineness, and, in many instances, by the positive refusal of the defaulting proprietors, to cause the attendance of the officers employed by them in making the collections; and to furnish the Aumeen, who may be deputed by the Collector to attach their lands, with the necessary account and information to enable him to collect the rents from the under tenants. And though the estates of such refractory defaulters are, under Section 3 of Regulation I. of 1801, liable to immediate sale, for the recovery of the arrears due from them; still the unavoidable delay in furnishing the necessary reports, and in obtaining the permission of Government to proceed to such sales, affords the defaulters an opportunity of misappropriating the resources of their estates, and at the same time deters individuals from becoming the purchasers of them. Another obstacle to the attainment of the object intended by the above Regulations is, that the landholders, who are in expectation of their estates being attached, almost invariably collect the rents in advance from their ryots, and other under tenants. And though by Clause 3 of Section 23 of Regulation VII. of 1799, it is expressly declared, that persons making anticipated payments, or producing receipts for such payments, shall not be entitled to credit for the amount from the officer of Government, who may attach their lands; still the strict enforcement of that penalty against the ryots frequently occasions their desertion, and is ultimately productive of a loss of the public revenue.

The security and value of landed property are certainly affected by its being rendered liable to sale for the recovery of arrears of revenue, though not to the same extent as they were when the land was liable to be sold for the deficiency on each month's instalment.

5.—Are the existing Regulations for collecting the revenue of Government, from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

The existing Regulations for collecting the revenue of Government from persons holding lands in farm immediately of Government, are, in my opinion, calculated to secure the punctual collection of the public revenue from the farmers. The only further source of compulsion of which I am aware, for the purpose of preventing fraudulent want of punctuality in the farmer, would be the forfeiture of his lease in the event of a second or third default.

6.—Are the existing Regulations for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers and from their ryots, well calculated for the purposes intended, without, at the same time, affording to the proprietors and farmers of lands the means of oppressing their under farmers and ryots?

The zemindars and other descriptions of landholders are, I believe, unanimous in acknowledging, that the existing Regulations for enabling them to realize their rents from their under farmers and from their ryots, are, in general, well calculated for the purposes intended, provided no obstacle arose to the strict and immediate enforcement of the different processes established by them. But they complain of the delay which is occasioned by their being under the necessity of applying to the Cauzies and Commissioners, for the purpose of bringing the property of their under renters to sale subsequent to its sequestration, and likewise of their not being able, on all occasions, to obtain timely assistance from the police officers, in

cases.

No. 1.—part 2.

Answers by the COLLECTORS.

Zillah Moorshedabad, 11 February 1802.

cases of their under renters endeavouring, either forcibly or clandestinely, to take away the products of their lands subsequent to their being brought under attachment. On the other hand, the existing Regulations certainly can be perverted by such proprietors and farmers of land, or their agents, as are so inclined, into the means of oppressing the under farmers and ryots, nor could any regulations, in my opinion, be so devised as to preclude altogether the possibility of oppression.

7.—When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

I was appointed Collector of the district at the commencement of the year 1799 only, but am given to understand, that the cultivation of the district has been considerably improved and extended since the first year of the Decennial Settlement, though I cannot at present state in what specific degree.

The whole of the country, from Moidapour to Bullitungee, and thence to the head of the Culnullee, the Gowas and Comrah plains, and the whole country from Setoo to Ferookabad and Begumgungee, which formerly constituted an almost impenetrable jungle, are at present in the highest state of cultivation. There is still, however, a considerable extent of jungle between Sootee and Ghiesabad. I have not any exact data on which to form a calculation of the proportion which the uncultivated land in this district bears to the cultivated land, but should conjecture, that about four-fifths of the lands are in a state of cultivation, and the remaining one-fifth uncultivated.

8.—Do the proprietors of estates, in general, derive a profit exceeding the ten per cent. on the jumma; the profit estimated to be left to them on the conclusion of the Decennial Settlement?

I am not aware that I possess any means of ascertaining whether the proprietors of estates, in general, derive a profit exceeding the ten per cent. on the amount of their assessment. The proprietors themselves will never acknowledge that they derive a greater profit, and the fact can never admit of proof, unless an estate should be for a complete year under the management of an officer of Government. I have every reason, however, to believe, that few of the landholders, and those only whose estates have, in consequence of their own mismanagement, gone to decay, derive so small a profit as the ten per cent. relinquished to them by Government.

9.—What is the present state of the embankments in your district?

In the course of the last unusually severe season, during which it is, I believe, the general opinion that no human exertion could have protected the country from inundation, several of the Government embankments in this district, and almost the whole of the embankments which the landholders are bound by their engagements to keep in repair at their own expense, were carried away. The former are at present reconstructing under the immediate superintendence of the Committee, and the landholders have been called upon to construct and repair the latter; and in the event of their neglecting to comply with such requisitions, I have been directed to submit estimates of the expense of making the necessary repairs, for which they will be ultimately held responsible.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their land?

During the system of monthly sales of land for the deficiency on each instalment, no proprietor of land could consider himself sufficiently secure in his occupancy, to give any attention to the permanent improvement of his estate; his whole thoughts were occupied by the monthly necessity of being ready at the day of payment; nor could he, without risk of losing his estate, appropriate the surplus of one instalment, lest the next should fail; but, exclusive of this consideration, the character of the natives is averse from all speculations, however well grounded the prospect of success, where the disbursement is considerable, and the returns uncertain, gradual, and distant. Such embankments as they are bound by their engagements with Government to keep in repair, are repaired in a very slovenly manner, and at the least possible expense. Tanks are occasionally dug by landholders as well as by individuals, on religious principles, but never, I believe, with a view of improving their estates. Silk and indigo works, when established by others, though manifestly calculated to increase the produce of their lands, and to enrich their tenants, and ultimately themselves, they view with jealousy and discountenance with their utmost influence, on account of the protection which the factories may afford to the tenants against the oppression of the landlord.

11.—Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land in general, previously to the conclusion of that settlement; and is the situation and condition of the ryots, or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

The Regulation of Government which directs the consolidation of all the formerly vague items of Mofussil demand into one specific sum, and prohibits the future imposition of any new "Abwauds" or "Mathoots" upon the ryots, and requires the delivery of pottahs, specifying the total amount annual, and monthly demandable from them, has in a great measure

measure compelled the proprietors of land to conduct themselves with moderation and attention, to the principles of good faith in their transactions with their ryots, than was observed by them previously to the conclusion of the Decennial Settlement. The latter are not at present so completely at the mercy of their landlords, as they were under the former system of uncertainty, when their only alternative was to oppose fraud to extortion; but as moderation and good faith are not characteristics of the natives of this country, the landholders still find means of imposing on the ignorance of their under tenants, who frequently complain, that at the annual adjustment of their accounts, they are overcharged by a refusal on the part of their landlords, or their agents, to give them credit for payments of which the "Dahkhilas," or receipts are not forthcoming. Laws alone are not sufficient to reform a people; they can only in a certain degree counteract and set bounds to dishonesty; and I have therefore reason to believe, that the situation and condition of the ryots, or immediate cultivators of the soil, are, in every respect, as comfortable as can be expected from the operation of the laws alone.

12.—What is the state of the roads in your district? Are there any parts of the district the making of roads through which would be particularly beneficial to the country, and what would be the expense attending the work?

The sudder or high road towards the Presidency, which has been made by the convicts under the immediate superintendence of the zillah Magistrate, is in a very good state of repair; but from the circumstance of its being constructed with earth and other perishable materials, requires constant and vigilant attention, especially during the rainy season, to preserve it from decay. I am not aware of the necessity of constructing roads in any other situations, the bunds and gowpaths answering every purpose of roads in the interior parts of the district.

13.—What is the estimated number of the inhabitants of your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

According to an estimate which was formed by Sir John Harington in the year 1790, the number of inhabitants of this district, including men, women and children, amounted to 1,020,572, but I have reason to think, that the population has decreased since that period, owing to the mortalities which prevailed for two or three successive years in the city of Moorshedabad. The general supposition is, that of the inhabitants of this district, about two-thirds are Hindoos and one-third Mahomedans.

14.—What are the most valuable articles of produce in your district, and has the cultivation of them particularly encreased of late years; what is supposed to be the cause of that increase?

The only valuable article of produce in this district is silk, which of late years has rather decreased in value, owing to a failure in the Company's investment, and in the private demands for it.

15.—Are the stamp duties becoming more productive; and what do you expect those duties will produce in your district, in the present year?

The stamp duties are becoming more productive, in consequence of the increased rates of tax on the manufacture and vend of spirituous liquors and drugs, as well as of the great demand for stamp paper, for the purpose of transcribing the particulars of and grants for all rent-free lands, which the proprietors are required to register in the Collector's office, under penalty of such lands being rendered liable to the payment of revenue. The stamp duties will, I expect, in the course of the present year, yield a produce of S.R. 30,000.

16.—Are the abkarry collections increasing or decreasing?

From the number of licences which were issued at the commencement of the present year, for the manufacture and sale of spirituous liquors, I had every reason to believe that this branch of the public revenue would have augmented very considerably; but several of the licensed shops and stills in the city of Moorshedabad having been carried away during the late inundation, the proprietors of them were of consequence under the necessity of relinquishing their licences, and though some of them have been since renewed, still I am apprehensive that the circumstances above stated, will occasion a decrease in the abkarry collections for the present year.

17.—Are there any articles in your district on which a productive tax might be levied, without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

I know not of any particular articles on which a productive tax might be levied, without oppression to the people, in any mode, except by Custom-house or haut duties. The former have been already re-established by Government, and I am not aware of any objection to the re-establishment of the latter. They are of easy collection, and being paid by each individual in a trifling increase upon the price of the article which he purchases, would not be felt as a tax.

18.—What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

The rent-free lands in this district come under the denomination of "Badshader," or lands held under royal grants, also "Deoter Bhernoter, Peeraun, Takeeraun, Mulotteraun, Bushnowuter, Bhuttotur," &c. &c. If the intent of the latter part of this question be, to

No. 1.—part 2.

Answers by the COLLECTORS.

Zillah Moorshedabad, 11 February 1802.

enquire what proportion the produce of each bheegah of rent-free lands bears to the jumma assessed, or each bheegah of mulguzarry land, it will be in the proportion of nearly 3 to 1; but if the intent of the question be, to ask what proportion the produce of all rent-free lands bears to the jumma of the whole district, I do not possess any means of affording the information required, the Collectors being restricted by Section 7 of Regulation VIII. of 1800, from requiring from the holders of rent-free lands, any papers or information respecting the rents of lands of that description, for the purpose of entering the same in the register directed to be prepared by that Regulation.

19.—Which of these descriptions of lands are in the best state of cultivation; the rent free lands, or the lands which pay revenue to Government?

The rent-free lands have the reputation of being, in general, in a better state of cultivation than the lands which pay revenue to Government, from the circumstance of the proprietors of the former description of lands feeling themselves more secure in the enjoyment of their property; and of their paying, in consequence, a greater attention to the improvement of it. It may likewise be urged, that the rent free lands being chiefly in small portions, the grantees have had the influence and opportunity to select those of the greatest value, or at all events, they have been wise enough not to take those of the least. The lands which pay revenue to Government being of various qualities, some parts of the assessed estates must of course appear in an inferior state of cultivation, when compared to those which are exempt from the payment of revenue; but I have reason to believe, that with lands equally capable of fertility, little or no difference will be found in the state of cultivation, between the lands paying revenue to Government, and those which are held rent-free.

20.—What descriptions of old rupees are current in your district?

The old rupees which are at present current in my district, come under the denomination of 11, 12, 15, 19 suns, and sunwats. A few Dacca and Monghur rupees, likewise, still continue in circulation.

21.—What is the reason that these rupees continue in circulation, and how are they replaced as they become worn, and diminished in value; the 19 sun sicca rupee being the only description of rupee struck in the provinces, and that being the rupee in which the public revenue ought to be paid?

The reason of the old rupees continuing in circulation is, that almost all purchases of silks, and different species of cloths at the Mofussil aurungs, are paid for in rupees of this description; and the 19 sun sicca rupee, though the only description of rupee struck in the provinces, is seldom or ever introduced in such payments. It is not necessary that the old rupees should be replaced as they become worn, and diminished in value. It suffices for all purposes of exchange, that the diminution in value should be considered in the "batta." The 19 sun sicca rupees of the first milled coinage are already so worn and defaced as to be much decreased in value, and to have obtained a separate denomination.

22.—What rules would you recommend to be adopted for the purpose of introducing the 19 sun sicca rupee into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee?

The only mode of introducing the 19 sun sicca rupee into general circulation, would be by withdrawing rupees of every other description from circulation. I cannot suggest any rules for rendering it advantageous to all persons to reject any other description of rupee; but in the event of the public treasuries being again opened for the receipt of old rupees, to be recoined at the expense of Government, I am inclined to think, that in the course of a few years they will entirely disappear.

23.—Do gold mohurs circulate in your district; to what extent; and do they pass at par; that is, for the value of 16 sicca rupees when tendered for the purchase of goods; in payment of private debts, and public demands, it is of course received at the rate which the law requires?

I cannot form any estimate of the extent to which gold mohurs circulate in this district; nor am I aware of any data on which to attempt an estimate. They pass at par, when tendered for the purchase of goods to the value of 16 sicca rupees; and in purchases to a smaller amount, halves and quarters of gold mohurs pass at par. In bills of exchange, it is usual for the drawer to specify the specie in which the bill is to be paid; and if gold be specified, it is of course taken at par. Gold mohurs are not exchanged by the shroffs or money changers, for the full value of 16 sicca rupees; nor can it be expected that any man, whose livelihood is derived from the changing of money, will give the full legal value for any coin, whether gold or silver.

24.—Has the establishment of the currency of the gold mohur, in the interior of the country, operated beneficially or otherwise?

I conceive that the establishment of the currency of the gold mohur, in the interior of the country, has operated beneficially; at least I am not aware of any reason for its having operated otherwise. The natives, in general, appear sensible of the advantages which attend its superior value, and small bulk for the purpose of transportation, and of hoarding.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and Quinquennial Register of the lands held exempt from the payment of revenue?

The quarterly registers of intermediate mutations in estates paying revenue to Government for the past Bengal year, have been completed, and transmitted to the Accountant to the

the Board of Revenue; but the want of an adequate establishment of public officers for the performance of this particular duty, retards, in a great degree, the preparation of the Quinquennial Registers of such estates, as well as the periodical register of lands held exempt from the payment of revenue. The avocations of my public officers who are attached to other departments, will only admit of their affording occasional assistance in the preparation of the several registers abovementioned.

26.—What descriptions of persons are, in general, the purchasers of the lands disposed by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

At the annual public sales which take place in this district for the recovery of arrears of revenue, the lands are, in general, purchased by the different descriptions of landholders, but frequently by bankers, merchants; and, in short, by men of all ranks and professions, who possess sufficient funds to enable them to become land proprietors. The system of management of these purchasers appear to be regulated by principles worse calculated for the permanent improvement of their estates, than the system of management of the former proprietors. Their first and universal principle is, to avail themselves, to the fullest extent, of that Regulation which declares null and void all the engagements of their predecessors; to measure and reassess the whole of the lands comprised in their respective purchases. To raise the denomination of the inferior lands so as to bring them, as near as possible, to the highest "nirkh" of the pergunnah. To distrain, without remorse, for their enhanced demand; and to oust, and stand suit with all their dependent talookdars, and with the proprietors of "Istemrary tenures."

27.—Are you of opinion that any of the proprietors of lands in your district, would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma); and how many years purchase do you suppose the proprietors would offer for such remission?

The remission of the fixed assessment on landed property never having, I believe, since the period of the first establishment of the empire of Hindostan been granted in perpetuity, excepting on the lands appropriated to public works, or for the support of religious endowments; without consulting the proprietors of land in my district, I cannot form an opinion, whether any of them would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands, or what proportion of that jumma they would purchase, and how many years purchase they would offer for such remission. The custom of the country has long fixed the price of the remission of the public assessment on lands of the above description, at ten years purchase; and I conclude, therefore, that a greater price could not now be expected from the landholders, on an arrangement of the nature proposed in this question. But, from the knowledge which I possess of the situation and circumstances of the proprietors of land, in general, in my district, I have reason to think that few of them possess funds sufficient to admit of their making such a purchase, however beneficial in many respects it would be to them. I am, moreover, apprehensive that, from the suspicion natural to the dispositions of the natives, and perhaps, also, from a want of confidence in the permanence of the British Government, they might be deterred from making purchases of the nature here proposed, by doubts of its perpetuity. They might dread the re-establishment in a few years of the remitted jumma.

28.—What is your opinion as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

I am of opinion, that the arrangement proposed in the preceding question, in the event of its being carried into effect to the greatest practicable extent, and of the purchasers being relieved from all apprehension of future assessment, would be the means of extending, in a very great degree, the cultivation of the country, and consequently of promoting its general improvement.

Zillah Moorshedabad,
8th February 1802.

(Signed) *Thos Hayes*,
Collector.

(Kishnaghur.)

To His Excellency the Most Noble Marquis WELLESLEY, K.P. Governor General, &c.

My Lord,

ACCOMPANYING, I have the honour to submit to your Excellency my Replies to the Interrogatories, forwarded to me by the Secretary to the Government, on the 3d of December.

I have the honour to be, with the greatest respect,
My Lord,
Your Excellency's most obedient and very humble servant,

Kishnaghur,
16th January 1802.

(Signed) *A. Seton*,
Collector.

No. 1.—part 2.

Answers by the COLLECTORS.

Kishnaghur, 16 January 1802.

REPLIES to Interrogatories to the Collectors.

1.—The rice crops were almost entirely destroyed by the inundation of this district, which commenced in the month of July and continued to that of October; but the subsequent crops promise to be unusually productive, owing to the rich sediment deposited by the overflow.

2.—The amount of the outstanding balances of the past year does not exceed S.R^{s} 20,000. a considerable part of which will be realized very soon; and I think the collections of the present year extremely forward, considering the late destructive inundation. The annual revenue of this district is S.R^{s} 12,45,670. 7. 92. of which sum S.R^{s} 7,53,376. 3. 14. 1. has been realized; and, with two or three exceptions, in all not exceeding 13,000 R^{s}. I expect that the whole assessment will be collected in one month after the expiration of the present year.

3.—The jumma of the lands disposed of, on account of the balances of the past year, is S.R^{s} 1,00,714. 9. 7. 2. and the sales were in general favourable.

4.—The first Regulation of 1801, has tended in a very material degree to expedite the realization of the revenues, without in any way affecting the security or value of landed property; but as it authorizes the Collectors to require the personal attendance of the landholders, without subjecting them to any penalty in the event of disobedience, their being made liable to a fine would be of essential service; and should Government approve of Collectors being empowered, in particular instances, to put their persons in restraint, it would prove very beneficial, especially when a large part of the revenue is received from one zemindar; and as much depends upon the prompt execution of orders, the additional powers now proposed might be entrusted to the discretion of the Collector, but every instance of their being enforced submitted to the Board, with the particulars of the case. This authority over the landholders would command attention and obedience, and in my opinion, enable Collectors to realize the revenue with much greater punctuality than at present.

5.—The Regulations for collecting the revenue from persons holding lands in farm immediately from Government, are well adapted to enforce payment of it; but the additional powers recommended in the above paragraph, would be of considerable benefit.

6.—The powers vested by the Regulations in the zemindars, and other proprietors and farmers of lands, are fully adequate to enable them to collect their rents from their under farmers and ryots, though they undoubtedly afford them an opportunity of being oppressive; but as authority is indispensably necessary to ensure the collections, it must rest with the Courts of Justice to correct with rigidness such abuses as may come before them.

7.—I was appointed Collector of Nuddea in March 1797. The cultivation of the district since the first year of the Decennial Settlement, has, on an average, increased two annas in the rupee; and it is generally supposed that the proportion the uncultivated land bears to that which is cultivated, is as follows:

Jungle	1,05,000 begahs
Ground, lying fallow	19,59,500 ditto.
In cultivation	19,59,500 ditto.

The soil of this district being remarkably light, the land is only capable of cultivation three successive years, after which it must lie fallow for an equal period; therefore only one half of an estate can be in cultivation at one time.

8.—I have every reason to believe that the proprietors of estates, in general, receive a greater profit than the 10 per cent. estimated to be left them on the conclusion of the Decennial Settlement; and although there are instances where the estate does not yield so much, the profits in general exceed that amount, sometimes one and even two annas in the rupee.

9.—The embankments in this district received great injury from the late rise of the rivers, which overflowed them several feet, and even inundated such parts of the country which, from their elevated situation, never suffered before. The bunds, previous to the overflow, had been repaired with every attention; but the soil being light, and chiefly composed of sand, it is extremely ill calculated for making substantial embankments, or such as might be expected to stand any unusual rise of the rivers.

10.—In this district, the proprietors of land are generally very inattentive to the permanent improvement of their estates, by making embankments, or engaging in any works that are attended with an expense; ultimate advantage not being, with them, a consideration sufficient to reconcile them to an immediate outlay of money.

11.—I am of opinion, that since the establishment of the permanent settlement, the ryots have been less harassed than formerly; and that under landholders who are in easy circumstances, they are as comfortable as their situation will admit. But under such of the proprietors who, from extravagance, mismanagement, or other causes, are distressed to pay their revenue to Government, they are unkindly treated, and subject to oppression.

12.—With exception to the roads for a short distance immediately round this station, those through the district are undeserving that name, being nothing but footpaths, seldom

to

to be found in the same situation two successive years, owing to the ryots ploughing them up at the season of cultivation, from which practice passengers of every denomination suffer the greatest inconvenience. As the troops marching to and from the Presidency to Berhampore and Dacca, pass through a part of this district, a road to each of these stations demands the earliest attention. The Magistrate is now engaged in making them with the convicts. Fourteen miles of that to the Presidency had been completed at the commencement of the rains; but in many places has since been totally destroyed by the late inundation of the district. I am of opinion, that by employing the convicts, roads of twenty-five feet wide may be constructed, at the average rate of one hundred and thirty rupees each mile; and I take the liberty to suggest the great advantage which travellers of every description, and the inhabitants in general, would derive, if fixed roads, leading to every village, were merely marked out. I do not think it would be any hardship on the zemindars and proprietors of lands, to be called upon by Government to do this, as it could be easily effected by the ryots making out one of the dimensions that might be ordered, through the land rented by them, which would be the means of facilitating a communication with the different market towns through the district, and otherwise be of benefit to the ryots, by preventing foot paths, which are now made, in every direction, through fields on which their grain is standing.

13.—In this district there are 5,749 villages, which, from the most accurate information I have been able to acquire, contain about 127,405 houses; and allowing in each house a family of six persons, the population will amount to 764,430, of which number 286,661 are Mahometans.

14.—The most valuable articles of produce in this district are toot (or mulberry), hemp, flax, tobacco, sugar-cane, oush (a plant from which a red dye is extracted), and peepill (a sort of spice). It does not appear that the cultivation of these has for some years increased, which, I am of opinion, proceeds from the expense attending it being considerable, and this district being peculiarly liable to inundation, from the numerous rivers and nullahs with which it is intersected.

15.—The stamp duties are becoming more productive. The value of stamp paper disposed of in the past year, was S.R^{s} 10,400; and I expect that the amount this year will be about 12,000 rupees.

16.—The abkarry collections of the present year exceed those of the past 400 rupees; and I still expect that more licences will be taken out.

17.—It does not occur to me that there is any one specific article in this district from which a productive tax could be derived; but that a duty on goldsmiths, braziers, and boats of every description, might collectively yield the annual amount of about 20,000 rupees, without oppressing any classes, and which, for obvious reasons, might prove extremely beneficial to the police of the district. It appears to me, that the best mode of levying this duty would be by making these tradesmen and owners of boats take out an annual licence, by which means the revenue would be certain, and no expense incurred in its collection. I propose that goldsmiths residing in towns pay twelve rupees for their licences, and those in the villages eight rupees, in consideration of their having less employment. Thus estimating the number of tradesmen even so low as one thousand and five hundred in each class, the amount collected will be 10,000 rupees. Estimating the braziers at two thousand, and requiring them to take out licences in the proportion of one half at two rupees, and the other at one rupee, the amount arising from this tax would be 2,500 rupees. But that which, in my opinion, would be likely to prove the most productive, is the tax proposed on boats; a duty of ten rupees might be levied on those of the largest dimensions; upon those of a smaller size, but larger than a panchway, seven rupees; on the panchways, four rupees; fishing boats, two rupees; and dingees, one rupee. This tax might be collected in the same manner as above proposed, and may be estimated to produce in this district about 10,000 rupees.

18.—There are seven descriptions of rent-free lands in this district; namely, Debutter, Bemootter, Mahutteran, Peeran, Fukeeraun, Bustummutter, and Muddutmash, the quantity of which is estimated at nine lacs of beegahs; and I am of opinion that the proportion the actual produce of them bears to the jumma of the lands paying revenue to Government, is as four to three.

19.—The lands in this district paying revenue to Government, I consider generally in better cultivation than those that are rent-free. It appears to me, that the same ryots being employed upon both, they will bestow the greatest industry upon those of which they are not liable to be dispossessed, and can with security erect habitations upon: this is not the case with the ryots when employed upon rent-free lands, for not being granted leases, they are liable to be discharged at the pleasure or caprice of the proprietors. So precarious a tenure must be an obstacle to the improvement of the soil, and affect cultivation very essentially. I also understand that the reduced rate at which the ryots obtain the rent-free lands, is their only inducement for engaging in the cultivation of them; and that the proprietors, taking advantage of their not having written engagements, on finding the crops productive, exact more than originally agreed upon, which must discourage the ryots from bestowing much labour, when uncertain of receiving the benefit of it. But in such instances as the rent-free lands are cultivated by the proprietors themselves, which I estimate in a proportion of three-ninths, they are in equal or higher cultivation than the revenue lands.

No. 1.—part 2.

Answers by the COLLECTORS.

Kishnaghur, 16 January 1802.

20.—The old rupees current in this district are of the following descriptions: Moorshedabad rupees of the eleventh, twelfth, and fourteenth sun; Azeemabudee and Benares siccas; Phooly sonats, French Arcots, and Jehazee Arcots.

21.—The circulation of these rupees continue in consequence of the interference of the shroffs and their agents in every part of the country, who derive a great profit by the landholders and others being obliged to procure from them the nineteenth sun sicca rupee or gold mohurs, in exchange for the old rupees, in which the rents are paid by the ryots, but not received at the public treasury; from which circumstances it is evidently the interest of the shroffs and money-changers to obstruct the general currency of the nineteenth sun sicca rupee as much as possible. When rupees are worn and diminished in value, they continue in circulation, but subject to such batta as the shroffs may fix upon them.

22.—I am of opinion, that by the Moorshedabad rupees of the 11th, 12th, and 15th sun being received by Government in payment of revenue, they will all be collected in the course of a few months from the interior of the district; after which time should rupees of every description be received at the public treasuries agreeable to their weight, and a trifling premium allowed, the currency of the 19th sun sicca rupee would be secured, and it would become the interest of the landholders to pay in all the old rupees.

23.—The gold mohur is in general circulation in this district, and received in payment for goods at the value of sixteen sicca rupees.

24.—It is the general opinion that the establishment of the currency of the gold mohur in the interior of the country has operated very beneficially.

25.—The rough draft of the Quinquennial Register, No. 2. of lands paying revenue to Government, has been completed in English, Persian, and Bengallee; but only one volume of it copied fair. The Register of rent-free lands is not completed; there are, however, thirty-seven volumes written in English, twenty-three in Persian, and forty in Bengallee; but in consequence of there not being any establishment at present allowed for this duty, the Registers are now at a stand.

26.—When entire estates, or portions of such put up to sale, have been considerable, they have been generally purchased, either by Calcutta banyans or responsible inhabitants of this district, and a few by people who have since turned out adventurers, but who, not finding their purchases equal to the expectations they had formed, collected what they were able, and absconded. The conduct and management in general of the late purchasers, has been better calculated for the improvement of the country than that of the former proprietors, of which I have had convincing proof this season, several of them having discharged their revenues without oppressing their ryots, but allowed them time to pay their rents in consequence of the injury they sustained by the inundation.

27.—There are so few proprietors of land in this district who possess any property except the profits immediately arising from the estate they may hold, that though they should be desirous of purchasing the permanent remission of any portion of the jumma assessed upon their lands, would find great difficulty in procuring the amount required. I think it probable that almost all who have the means would be desirous of purchasing the remission of the jumma on such part of their estates as they may have erected habitations upon or possess mangoe plantations; &c. but so inconsiderable a portion would scarcely merit the attention of Government; and I apprehend, from the general character of the natives, who are ever averse to part with any considerable amount, that proprietors, whose circumstances are sufficiently affluent to enable them to purchase the remission of a part or even the whole of the jumma on their estates, would feel reluctant to a measure which would oblige them to advance at once so large a sum. I am of opinion, however, that the landholders in general would be greatly influenced by the example of some of the principal natives in Calcutta who hold lands in the different districts; and in the event of their becoming purchasers, that they would expect to obtain the remission at three or four years purchase, which is the general rate rent-free lands are disposed of in this district.

28.—The measure proposed appears to me most important and desirable; and, could it be carried extensively into effect, of all others the best calculated for the general improvement of the country.

(Signed) *A. Seton,*
Collector.

Kishnaghur,
16th January 1802.

(Twenty-four Pergunnahs).

No. 1.—part 2.

Answers by the COLLECTORS.

Twenty-four Pergunnahs. 1 May 1802.

To His Excellency the Most Noble Marquis WELLESLEY, &c. &c. &c.
Governor General of the British Dominions in India.

My Lord,

I HAVE the honour to submit my Reply to the Interrogatories issued to the different Collectors by your Lordship's orders, under date the 29th October 1801; and directed by a subsequent Letter from the Secretary to Government, under date the 3d December, to be transmitted direct to your Excellency.

At the same time that I entreat your Lordship to excuse my delay in obeying the above orders, I cannot help urging the critical season which, being as it were the time of winding up the whole of the preceding yearly accounts with the zemindars, and settling with them for the ensuing year, has of necessity employed almost my whole attention for some time past. The Replies, I fear, contain but little information; it is, however, my duty to submit the truth, and with that to acknowledge; that the district under my charge is really in a state so inconsistent with those expectations, which naturally arise from a knowledge that there have been Regulations instituted by Government for the guidance of all parties, operating since the first year of the Decennial Settlement, that nothing but the greatest exertion of very efficient abilities, vested and supported with temporary special powers, such as are incompatible with the existing Regulations, and not authorized to be exercised by the Collectors, would, in my opinion, bring to a proper determination.

It would not have been in my power to have detailed them circumstantially, without a considerably greater delay than has already occurred; and as that has already grown to too great a length, I have taken this opportunity of submitting my apology, with the Interrogatories, and such Replies annexed to them as have appeared to me really founded upon fact. Another copy has been sent to the Secretary, according to your Lordship's original orders on the subject.

I have the honour to be, my Lord,
With the greatest respect,
Your Lordship's most obedient and most humble servant,
(Signed) *Frederick Fitz Roy*,
Collector of the 24 Pergunnahs.

Collector's Cutchery,
24 Pergunnahs,
1st May 1802.

INTERROGATORIES to the Collectors, dated 30th Oct. 1801, received 7th Nov. 1801.—1. Are the crops of the present year expected to be productive?

COLLECTOR'S REPLY.—The crops are highly productive, notwithstanding the complaints made against inundation.

2.—What is the amount of the balances outstanding in your district on account of the past year; and what is the state of the collections for the present year?

There are no balances, but such as have been created by the proprietors misappropriating the monies collected, except in one or two instances, where the lands have been originally over-assessed at the formation of the settlement; and even they are ascribable to an inexcusable practice of rendering false accounts, and producing persons under fictitious names to represent zemindars, who engage to pay the assessment, and abscond, after realizing what they can from the ryots. Coolpee, and one or two other mehals, are under this predicament, and have been so many years.

3.—What is the amount of the jumma of the lands which have been or are expected to be sold in your district for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and, if the latter, what is the cause of the unfavourableness of the sales?

It is almost impossible to answer this question with that degree of circumspect correctness I could wish. It has long been the usage of the landholders to hold back their revenues, till the very day before the sale of their estates are ordered to take place; when they crowd in with the arrears and the interest of the arrears due from them; and are so impatient to pay, and by that means save their property from transfer, that they often detain the receiver late beyond the office hour. The fact is that they keep the largest part of their revenues, which they realize from the ryots in the harvest season, in hand to defray the expenses of marriages, chunuck pooja, rut pooja, and many other of their religious institutions, as well as the concerns they have in trade; all which require money at a particular season, and leave the dues of Government unsettled till the last moment; but no sale actually takes place of their lands.

4.—Are the existing Regulations for collecting the revenue of Government, from the zemindars and other proprietors of lands with whom a permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without, at the same time, affecting the security or value of landed property?

The existing Regulations, I am of opinion, are not sufficiently coercive; or, in other words, admit of too much delay, in reference from one authority to another, to secure the prompt payment of the revenues; and, certainly, if the sale of landed property were actually to take place, as often as the Regulations admit, for the realization of the revenues, the consequent frequent transfer of it would considerably depreciate the value of land, and

No. 1.—part 2.

Answers by the COLLECTORS.

Twenty-four Pergunnahs, 1 May 1802.

create great failure in our best resources. Fortunately, the lands in the district under my charge are valuable and well cultivated; belong mostly to rich monied men, residents in the city of Calcutta, who only make a show of poverty, and admit of their estates being advertised for sale, but almost always preserve them, by paying within the prescribed time.

5.—Are the existing Regulations for collecting the revenue of Government, from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue?

The existing Regulations have one clause in them respecting farmers, which will generally secure the payment of the revenue to Government, *if properly attended to*; and that is the responsible and good surety directed to be taken from them. I have, however, always felt repugnant to granting lands in farm, finding that the proprietor himself would too often farm his own estate fictitiously; and, under the cloak of the Regulations, save his lands from being sold for arrears, which, having frequently accrued on the same lands, are ultimately given up as hopeless balances; and the zemindar then takes them at an under jumma, or on an average on the gross amount, realized for three or four years back.

6.—Are the existing Regulations for enabling the zemindars and other proprietors of lands, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers and from their ryots, well calculated for the purposes intended, without, at the same time, affording to the proprietors and farmers of land the means of oppressing their under farmers and ryots?

The zemindars or proprietors of lands, of whatever description, in the district under my charge, are not guided by the Regulations; their influence with their under renters, &c. is of a nature totally incompatible with any rules laid down to them in the Regulations of Government. There is such a spirit of litigation, trick and chicanery, among all ranks of people in the 24 pergunnahs, that I imagine, if they depended solely on that system of regularity, they would not realize their dues from their tenants. *Every thing depends on the wealth and management of the landholder; the poor people do not care for the Regulations; immediate decision is what they always look to; and it is no where the interest of* the proprietor to oppress, all such occasions being readily redressed by the interference of judicial authority, to which they can appeal without difficulty.

7.—When were you appointed Collector of the district, and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

I was appointed Collector of the 24 pergunnahs on the 3d April 1800. The cultivation of the district has improved, as far as I am able to learn or judge, to a degree even beyond expectation, since the period mentioned in the 7th Interrogatory; and the proportion of cultivated land to the uncultivated, is estimated, by well informed natives, at about seven-eighths, or, as they express themselves, there are fourteen annas of cultivated, and two of uncultivated land; making a rupee the standard by which they calculate.

8.—Do the proprietors of estates, in general, derive a profit exceeding the ten per cent. on the jumma, the profit estimated to be left to them on the conclusion of the Decennial Settlement?

I am well assured that they derive profits merely from their land revenue to a considerable amount over and above the ten per cent. estimated to be left to them on the conclusion of the Ten Years Settlement; it is said, that some proprietors do not on an average pay more than one rupee in a thousand of their gross collections from landed property in the district of 24 pergunnahs.

9.—What is the present state of the embankments in your district?

The embankments are under the superintendence of the salt agent, whose business goes on best when the salt water is suffered to insinuate itself into the arable land, and it is often allowed to break into the cultivated parts; so that the embankments cannot be considered in any other than a bad state, for the good of the actual tillers of the soil.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

The proprietors of land in general, in the 24 pergunnahs, have very little to attend to in the improvement of their estates; the district is low, full of tanks and reservoirs for water; the cultivation of almost any article they may wish to raise, is very easy; and their greatest care is to keep out the salt water, which they find it their interest to do at their own expense, rather than delay by waiting the result of references, which they make every year to the Collector's office, praying to be vested with the management of the embankments as formerly; this, perhaps, with a view to get some pecuniary consideration or remission from their jumma.

11.—Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land, in general, previously to the conclusion of that settlement; and is the situation and condition of the ryots, or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

The

The district is small in extent; others are so close in the vicinity, that severe treatment on the part of the proprietors, would drive the ryots away. They are attached to their soil, and find the performance of their part easy. I do not believe, however, that the proprietors have much to boast on the score of their equitable conduct, or *good faith* in their transactions with their ryots; the fear of the Courts, of their tenants absconding to a contiguous zemindarry, and their own interest, is the ryots best security against oppression or unfair dealing on the part of the proprietor. The ryots are indolent themselves, and, except where a combination is instigated, very little inclined to complain; they have few wants, and those amply gratified, for the most part, throughout the district of the 24 pergunnahs.

I have had complaints made to me against severity, but only in one instance, and that was not cognizable by the Collector: the man complained of is rich, rose from being only a mumdul, or head ryot, to great wealth comparatively, and is apt to be severe to his former coadjutors.

12.—What is the state of the roads in your district; are there any parts of the district, the making of roads through which would be particularly beneficial to the country; and what would be the expense attending the works?

The roads are very bad in the interior; and making roads, and regulating their course, would be a most beneficial measure on every account. There was a grant from Lord Clive to Rajah Nobkishun, for making a road to Coolpee, from a place called Behella to the southward of Kheederpoor, copy of which grant I have in my possession, which I got from the present Rajah Rajekishun; the terms of the grant have been altogether neglected since the Ten Years Settlement, though the Rajah is in possession of the appropriated land, and all its emoluments. It would be most essential to enforce the performance of the terms of that grant. The expense of labour in making roads, wherever they are necessary, is really inconsiderable, compared with the good that would result; and I would particularly recommend the above-noticed communication with Coolpee and Diamond harbour to be exacted as a duty from the Rajah, which he has hitherto neglected of late years.

13.—What is the estimated number of the inhabitants of your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

I have never had a good opportunity of estimating the number of inhabitants in the 24 pergunnahs; the proportion of Moosulmans to the Hindoos, is said to be four of the former to twelve of the latter.

14.—What are the most valuable articles of produce in your district, and has the cultivation of them particularly increased of late years; what is supposed to be the cause of that increase?

Indigo is the most valuable production of foreign commodity cultivated in the 24 pergunnahs; it is, however, very precarious, requires large capital, and much loss to be borne with in making advances to the ryots, who are all apt to take advantage of any little accident, that may furnish them with excuse or pretext for the non-performance of their engagements. The zemindars themselves are not remiss, when opportunity occurs, of encouraging the cultivators to abscond, or otherwise neglect their concerns of this nature; there are, nevertheless, two or three well established factories in those parts, where the ryots are rich, and more independent of the proprietors of the soil, which not unusually in the 24 pergunnahs occasions the zemindar himself clandestinely to lend the money for making the advance: they are almost all of them gentlemen's banians, or have been. They have great objection to any innovation or new institutions, which may bring among their ryots persons who may see and enquire into the actual resources of their landed property: a sort of Chinese jealousy that pervades the whole system of the Bengal people, and impels them to keep their best villages buried in almost impenetrable jungles, to the great injury of their health and constitution.

15.—Are the stamp duties more productive; and what sum do you expect these duties will produce in your district, in the present year?

The stamp duties are doubtless becoming more productive every year, every day, and every hour; but as the sale of that article in my office, depends more on accident than in almost any other, I am not able to estimate the sum that may be produced in any one year.

16.—Are the abkarry collections increasing or decreasing?

The abkarry collections are increasing considerably, but not immediately in the 24 pergunnahs; the city of Calcutta is the great mart for all sorts of produce, under the head of abkarry.

17.—Are there any articles in your district, on which a productive tax might be levied, without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

Government abolished the "Sayer Gunjeat" duties, and granted remissions of revenue to the zemindars, and even pay compensation on this account, from their own treasure. It would be just, in my opinion, to resume the sayer, as I can safely assert, that the zemindars have never discontinued to collect the duty; though it would be as difficult to prove this, as it is impossible to prevent it. I know of no particular produce that I would tax; but if all articles of luxury were brought into consideration, I should certainly specify palanquins, hackerrys, and all such conveyances as were not formerly, but are now growing into common use among people very little entitled to ride in them, and who are barbarous

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in the use of the animal they have hired: the rate would be best ascertained from the police. In general the country is so rich, that almost every article might be taxed, except the mere necessaries of life, without oppressing any.

18.—What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

I have been credibly informed, besides the testimony of the office records, that there are vast quantities of lands held under invalid titles, but I have not had time to enquire into them; and the possessors of these lands have as yet evaded my authority, and requisitions to them to appear and shew the titles which they hold them under; this leads me to imagine that there are but few instances of well-founded right, under the descriptions of rent-free lands.

19.—Which of these descriptions of lands are, in general, in the best state of cultivation; the rent-free lands, or the lands which pay revenue to Government?

The malgoozarry lands are best cultivated; they are situated in the highest and most productive parts of the district; the proprietors superintendence, his interest, and that of his connections are blended, and depend on the good management of what is security,* his own property; whilst the other, if not really held without title, is almost all subject to resumption, either by falling into bad hands, or the terms of the deeds expiring.

* *Sic. orig.*

20.—What descriptions of old rupees are current in your district?

In the Mofussil, some old fifteen sun or sonat rupees, and many of the 11 and 12 sun siccas.

21.—What is the reason that these rupees continue in circulation, and how are they replaced as they become worn and diminished in value; the 19 sun sicca rupees being the only description of rupee struck in the provinces, and that being the rupee in which the public revenue ought to be paid?

The district is so little resorted to in the interior parts by any one who would reject these old rupees, that a vast number still remains among the middling sort of ryots, who pay and receive them at all the markets, or in transactions among themselves; but no rupees of this description are received at the treasury in payment of the public revenue, or of any description but the 19 sun sicca struck in the provinces.

22.—What rules would you recommend to be adopted for the purpose of introducing the 19 sun sicca rupee into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee?

I would recommend, that the Collector be empowered to send shroffs or respectable merchants into every pergunnah, to attend all markets and the most public places of resort, under strict injunctions and giving good security not to receive or pay any other rupee but the prescribed 19 sun, on pain of penalty to be levied on him, in case of proof being brought of any instance of deviation from the rules under which he might be authorized to act. I would, at the same time, allow of the old rupees being received by him at par for a certain given period, that he should immediately remit them, and receive 19 sun to be issued in lieu; that after a certain fixed date, they should be subject to a considerable discount if tendered in payment, on any account, in the 24 pergunnahs.

23.—Do gold mohurs circulate in your district; to what extent; and do they pass at par, that is, for the value of 16 sicca rupees when tendered for the purchase of goods; in payment of private debts and public demands, it is of course received at the rate which the law requires?

Gold mohurs are current in all parts of the district, but the people in general do not require the amount of sixteen rupees of eight or of four, for their common concerns.

24.—Has the establishment of the currency of the gold mohur, in the interior of the country, operated beneficially or otherwise?

It is very advantageous to the zemindars to be permitted to pay in gold, for many reasons; and particularly as it admits of their keeping the silver, or purchasing gold mohurs of those who are more in want of silver, and so paying their kists into the Company's treasury in gold, which they have purchased advantageously.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands held except from the payment of revenue?

The zemindars, &c. have uniformly disregarded all requisitions made to them from the Collector's office, to render the necessary accounts for forming the Quinquennial Registers.

26.—What description of persons are, in general, the purchasers of the lands disposed of by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors.

The purchasers of lands are, in general, agents sent by the zemindars, whose property may be put to sale; very few actual sales take place, and those only in cases where the proprietor has already realized all that could be got from the ryots in the Mofussil, or who has some surreptitious motive for selling his estate.

27.—Are you of opinion, that any of the proprietors of lands in your district would purchase of Government the permanent remission of any part of the fixed jumma, assessed

assessed upon their lands (suppose a proportion of 10 or 20 per-cent. of that jumma) and how many years purchase do you suppose the proprietors would offer for such remissions?

I am fully persuaded that the proprietors, in general, would most readily embrace the opportunity, if offered to them, of purchasing the permanent remission of part of the fixed jumma, now assessed on their lands, and that they would give many years advance at even ten per-cent.; the only difficulty that occurs to me likely to intervene, would be the making of the real proprietors acknowledge themselves as such, for they are by no means well ascertained upon record in the 24 pergunnahs.

28.—What is your opinion as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

If the measure were to take place in its fullest extent throughout the district, it would necessarily be productive of great general benefit and improvement to the country; the monied men, I hope, would then give their minds more immediately to the improvement of their respective estates, and I think that object would induce them to visit the Mofussil themselves, instead of leaving the management to gomashtahs or agents; the consequent competition that would accrue, would make the intercourse with the suburbs more easy of access, by opening roads and communications at present not thought of by them, and perhaps unknown to them: in short, it appears almost unnecessary to enumerate the number of good effects that strike me, as likely to result from the measure, since they must have been fully weighed with the consideration of the personage who instituted the Interrogatories.

I have the honour to subscribe myself, &c. &c.

(Signed) *F. Fitzroy,*
Coll^r of 24 Pergunnahs.

(Zillah Purnea.)

INTERROGATORIES.—1. Are the crops of the present year expected to be productive?

ANSWERS.—The bhudwee and aughunnee crops were almost totally destroyed by the excessive inundation during the last rainy season; and the rubbee harvest, now gathering in, is in general abundant, with exception of some of the low situations, where the waters remained until the season for sowing had passed, or others, where the husbandmen, in consequence of a great mortality among their cattle, were not able to till their lands.

2.—What is the amount of the balances outstanding in your district on account of the past year, and what is the state of the collections for the present year?

The balances now outstanding on account of 1,207, B. S. amount to rupees 10,754. 14. 1. It is to be observed, that of the above balance, R^s 7,433. 10. 2. are due from kismut pergunnah Konkjowle, the Mofussil assets of which estate, from an actual investigation entered into by the orders of the Board of Revenue, have been found unequal to the sudder assessment, the residue is due from estates also nearly in the same predicament. The landholders have hitherto, by mortgaging portions of their estates and by loans, been enabled to pay up their instalments as in former years; but from the great losses sustained by them in consequence of the inundation, and the great mortality among the cattle of the peasantry, it is conjectured, that a larger portion of lands may be sold this year than formerly; the balance which shall ultimately remain outstanding, may amount to about the same sum as the abovementioned of last year.

3.—What is the amount of the jumma of the lands which have been or are expected to be sold in your district, for realizing the balances of the past year; and have the lands disposed of, sold at a favourable price or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

The amount of the jumma of lands which were sold for realizing the balance of 1207, is R^s 13,005. 4. 11. 2. they sold in general at an unfavourable price, owing to existing Mofussil assets not being equal to the Sudder assessment.

4.—Are the existing Regulations for collecting the revenue of the Government, from the zemindars and other proprietors of lands, with whom the permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without at the same time affecting the security or value of landed property?

Undoubtedly; and the Regulations, as relate to the zemindars and other proprietors of land, far from operating prejudicially as to the security or value of landed property, I conceive have the contrary effect.

5.—Are the existing Regulations for collecting the revenue of Government, from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

Fully so.

6.—Are the existing Regulations for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to

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realize the rents from their under farmers and from their ryots, well calculated for the purposes intended, without, at the same time, affording to the proprietors and farmers of land, the means of oppressing their under farmer and ryots?

This question I am at a loss to give an adequate answer to. Trick and chicanery are so generally practised by all parties, that it is difficult to decide upon their respective claims, so as to frame regulations which may not be found to throw too much power into the hands of the one, or to afford too great indulgence to the other.

Arguing on a general principle, it might naturally be expected that self-interest, (and no doubt with some it has its due effect,) would be sufficient security to the under farmer and ryot, against oppression from the zemindar or other proprietor of land; but woeful instances occur daily, wherein the latter, blinded by avarice, urged on by private malice, or pressed by necessity, makes a very oppressive use of the great power vested in him by the existing Regulations for the distraint of property. Even allowing self-interest its due influence with the proprietors of land, the same principle will not apply to the farmers, or to the agents of either; that it does not, is fully exemplified by the repeated instances of families, nay whole villages reduced to penury and distress by their oppressive use of that power of distraint, which is vested in them, with equal authority as in the actual proprietor of the soil. This objection, however, relates principally to the under farmers, who are vested also with the same power of distraint; their leases are in general for a very short period, and they are often natives of a distant part of the country, consequently they take little or no interest in the welfare of the ryots.

It is true that the Court of Justice is open to the oppressed for redress, and no doubt in every case of an oppressive nature *when brought forward*, heavy damages are awarded against the offending party. But how often does it happen, that the petty under farmer or the ryot is totally deprived by exertion of the means of obtaining redress. It may be alleged, that a man so situated, is at liberty to prosecute in *formâ pauperis*, but the mere journey from his place of residence, subjects him to greater expense than he can afford, and the necessity he is under probably, of labouring for his daily subsistence, makes it a great hardship for him to waste his time in attendance on a Court of Justice; and at all events, admitting that he has the means, his engaging in a law process, from the delay and expense unavoidably attending it, it is obvious must be prejudicial equally to his temporal interests and to his morals.

The petty under farmer, or the ryot, consequently is often constrained either to submit to or fly from exaction, rather than enter into a ruinous contest with his more powerful opponent.

On the other hand, the present complicated and perplexed state of the Mofussil rents, appear to call for the power of distraint, which is vested in the proprietor of land or farmer; and it may admit of doubt, whether without it, under *the present system*, they would be able to realize their dues: the under farmer and ryot, in their turn, would avail themselves of the opportunities then afforded them of evading payment of their rents, and defalcation of Government's revenues must be the consequence.

The several parties have so little confidence in each other, and the present vague system affording such opportunities of fraud and collusion, it becomes the interest of so many to continue it, that they are all in general equally averse to give or to receive pottahs for a certain quantity of land at a specific rent; this measure, I believe, has no where been carried into due effect. For the most part the ryot cultivates his lands without any written engagements, depending on the records of his village, which, being in the hands of the proprietors and farmers, or their agents, are often altered, and sometimes wholly set aside, and the rates wantonly and arbitrarily increased; or where engagements are entered into, they are vague and indefinite, merely specifying the rate per beega, for every particular article; consequently subjecting the lands often to measurement at the end of the season, to ascertain the number of beegas under each separate cultivation, which gives rise to disputes and contention without end, and lays open innumerable avenues to collusion and litigation; amidst the confusion which must inevitably follow, the honest man is harassed, whilst the views of the knave are promoted.

The term to which the leases of pottahs are limited by the existing Regulations, viz. ten years, may in some instances be too short. Where waste lands are to be cleared, and brought into cultivation, it might be extended to 15 years.

No man can be expected to strike out improvements in husbandry, unless he enjoy an assured interest in the soil he cultivates for a fixed period. The pottah of the ryot, on the exertion of whose industry improvements must principally depend, in general specifies no particular period, but merely "from year to year."

Under all these considerations, the most essential step appears to be, to afford requisite security to all parties, by the adjustment of the present complicated and perplexed system, and the regulation of the rents by pottahs for specific sums for certain periods, and for ascertained quantities of land. This measure is merely recommended by the existing Regulations, but I fear it can never be effected without the interference of Government in some way between the landholder and the ryot, by measures compulsatory on both parties. In the mean time the existing Regulations for the distraint of property, with some modification as to farmers and their agents, and the agents of the proprietors of land, may be absolutely necessary.

7.—When were you appointed Collector of the district, and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what

what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

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I have but lately been appointed to officiate as Collector of this district, and have not yet had an opportunity accurately to ascertain the present state of the cultivation; but, by the result of the enquiries I have made on the subject from people long resident in the district, I am led to suppose that, generally speaking, the cultivation has increased since the formation of the Decennial Settlement; but still the uncultivated land, as far as I am at present advised, appears to bear a proportion of at least one-third to the whole land in cultivation. This deficiency, however, is not to be attributed alone to the want of population, but also to the native barrenness of the soil in many places.

8.—Do the proprietors of estates, in general, derive a profit exceeding the ten per cent. on the jumma, the profit estimated to be left to them on the conclusion of the Decennial Settlement?

The zemindars in this district, with a few exceptions to the proprietors of estates situate in the south-east quarter, do derive a far greater profit.

9.—What is the present state of the embankments in your district?

There are at present no embankments of any consequence in this district. There are several small ones in the vicinity of the Honourable Company's factory at Malda, and one about four coss to the northward of the town of Purnea; they all require some repairs this season, and the necessary steps have been taken. I have lately been given to understand, that embankments appear to have been formerly raised to protect from inundation that tract of land lying between the Ganges and the Mahannunda rivers, on which Malda is situate, and that traces of very considerable ones are still to be met with about the ruins of the ancient city of Gour. I have not yet had leisure to ascertain this point, but shall take an early opportunity of proceeding to Malda for that purpose.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

From my general observation of the country, I am led to believe, that the proprietors of land pay very little attention to these works, which appear to be rather in a state of decay than of improvement; the neglect may be attributed to want of capital in some, but mostly to a natural indolence of character, a want of enterprize, and an utter ignorance of the principles of agriculture.

11.—Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land in general, previously to the conclusion of that settlement; and is the situation and condition of the ryots or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

I was not in the country before the establishment of the permanent settlement, therefore am not competent myself to form the comparison; but from what I can learn on the subject, it appears that the conduct of the proprietors of land, as far as relates to justice in their transactions with their ryots, is little mended; it appears to have been then, as now, the object of one party to extort, and consequently of the other to withhold, as much as possible. The wretched habitations, the modes of life, and the appearance in general of the ryots, or immediate cultivators of the soil, indicate but little comfort. From the great defect in the Mofussil system, noticed in No. 6, the ryot lies at the mercy of the landholder, who avails himself of every improvement to raise the rents; consequently he labours but for the mere necessaries of life.

Another evil which, under the present mode of collecting the Mofussil rents, presses hard upon the ryot or the immediate cultivator of the soil, is the custom, which I believe prevails in many parts, for the landholder to let out a very considerable tract of land to one man, called a Mundul: he probably cultivates a small part only himself, sometimes none; and relets to under ryots: in case of his failure, the landholder seizes the crops in the ground for the rent due, although the ryot may have paid to the mundul the rent he agreed for; thus the ryot incurs a ruinous loss by the fault of the mundul, who generally absconds. The landholder has a strong inducement for continuing this practice, as it gives him a double security for his rent, viz. the mundul and the ryot; and he will therefore persist in it, unless strictly prohibited. These circumstances, of course, must deter the ryot from exerting his industry to better his situation, and must ever depress him in indigence and wretchedness.

12.—What is the state of the roads in your district? Are there any parts of the district, the making of roads through which would be particularly beneficial to the country; and what would be the expense attending the work?

The roads in general in this district are good; but require bridges in particular situations. The road between this place, and the military station at Kissengunge, I conceive would be much improved, by throwing up causeways in several places across small nullahs and jeels, which being filled with water during the periodical rains, the road becomes almost impassable, for either boats or any other conveyance; and indeed the communication is often entirely cut off. This being the high road, not only from Kissengunge, but also from some of the principal and most productive pergunnahs in the district, viz. Soeyapore, Sirapoor, Badore, and Tagepoor, the inconvenience to internal commerce is very great.

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This improvement, therefore, may be worthy the consideration of Government. The whole distance, on which it would be necessary to raise causeways is, I believe, about eight or ten miles, and bridges will be necessary in some parts; but the works, I conceive, with the assistance of the prisoners, might not cost above rupees 6,000.

While on this subject, it may not be irrelevant to remark on ferries. The enlivening influence which a brisk and uninterrupted intercourse must ever have on the internal commerce of a country, attaches to them a consequence which appears to call for some interference on the part of Government; at present they stand much in need of it. The Ghaut mangies (or other proprietors or renters) make what demand they please, and refuse to proceed until their boats are full; so that travellers have often to wait a long time; sometimes, on the large rivers, a whole day, at the Ghauts: their boats, moreover, are often very badly constructed and very dangerous, and melancholy accidents frequently happen from their overloading them.

13.—What is the estimated number of the inhabitants of your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

There are no materials by which to form accurate estimates; the consideration of the subject, too, must naturally embrace many various speculations; and I have not yet been a sufficient length of time in my present office, to make such investigations as I could wish, to direct me on the subject; I have therefore resorted to a calculation made by a former Collector, Mr. S. Heatly, and submitted to the Board of Revenue, in his address to their Secretary, of the 20th July 1789. I find the number of villages, at that period, was 5,800; which, calculating 183 inhabitants to each village, and allowing an extra number for Purnea and other large towns, made the population amount to 1,200,000 souls. The number of villages, at this period, is 7,056; which, calculated in the above mode, (and it appears to me a moderate estimate) yields a population of - - - - 1,291,248

Add for Purnea and other large towns - - - - - - 158,752

1,450,000

This calculation is in some measure confirmed by the result of a comparison of the total amount of jumma of the district and the above population at that period, with the jumma of the present time, which gives a population of 1,479,200. The Mahomedans, it is supposed, bear a proportion of about seven-tenths to the Hindoos.

14.—What are the most valuable articles of produce in your district; and has the cultivation of them particularly increased of late years? What is supposed to be the cause of that increase?

The most valuable articles of produce in this district are paddy, mustard seed, and indigo. I am led to believe, that the cultivation, generally, in this district, has increased of late years, but particularly of the last-mentioned article. The general improvement must be attributed to the salutary effects of the regulations of Government, and the particular increase to the exertions of gentlemen in the indigo line; to the encouragement held out by them to the ryots, and to the confidence established by the equity of their dealings.

15.—Are the stamp duties becoming more productive; and what sum do you expect those duties will produce in your district, in the present year?

The stamp duties have considerably increased since the promulgation of the 7th Regulation of 1800, as appears from the following statement:

Amount of collections from January 1798, to April in the same year		2,109.	10.
D° - - -	in the year 1205, or 1798-9 - - - -	3,607.	6.
D° - - - - - - - -	1206, or 1799-1800 - - -	4,188.	2.
D° - - - - - - - -	1207, or 1800-1 - - - -	7,191.	14.

The collections of the present year 1801-2, I expect, will amount to about 14,000 rupees.

16.—Are the akbarry collections increasing or decreasing?

They have been annually decreasing for these five years past, as appears by the following statement of the collections, from the period of their resumption by Government:

1197 B.S. or 1791 E.S. - - - - -	2,753.	7.	4.	0.
1198 - - or 1791-2 - - - - -	3,768.	9.	5.	3.
1199 - - or 1792-3 - - - - -	9,085.	2.	2.	0.
1200 - - or 1793-4 - - - - -	28,248.	14.	16.	0.
1201 - - or 1794-5 - - - - -	30,581.	5.	3.	0.
1202 - - or 1795-6 - - - - -	3,08,954.	2.	0.	0.
1203 - - or 1796-7 - - - - -	28,904.	7.	10.	0.
1204 - - or 1797-8 - - - - -	21,497.	1.	5.	0.
1205 - - or 1798-9 - - - - -	19,507.	2.	10.	0.
1206 - - or 1799-1800 - - - -	17,186.	15.	15.	0.
1207 - - or 1800-1 - - - - -	15,731.	6.	0.	0.

The collections of the current year 1801-2, it is expected, will amount to rupees 15,439. 4.

17.—Are there any articles in your district, on which a productive tax might be levied, without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

I am not aware of any article of produce in this district, on which a productive tax might be levied; but I think a land tax, of at least 20 per cent. on the annual value of rent-free

estates,

estates, which are very numerous in this district, might with propriety be imposed, as the holders of those estates at present contribute nothing, either directly or indirectly, in aid of Government, for the protection they enjoy.

18.—What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

The different descriptions of rent-free lands in this district are as follow:

1. Burrumootur: Charity lands granted to Brahmans, for their support.
2. Bishunpeet: Lands granted to Brahmans, for the maintenance of Hindoo temples.
3. Sheebootur: - D° - - D° - - D°.
4. Dewootur: - - D° - - D° - - D°.
5. Thakoor Sawa: - D° - - D° - - D°.
6. Bhuttotur: Lands formerly granted to bards, for their support.
7. Musjid: For the maintenance of Mahomedan temples.
8. Kankah: For the maintenance of places in which Mahomedan pilgrims are lodged and entertained.
9. Nuzur Immama-een: For the maintenance of Mahomedan temples.
10. Nuzur Peeran: For the maintenance of Mahomedan burial-places.
11. Fukkeeran: For the support of Mahomedan monks.
12. Muddudmaush: Formerly granted as a provision to old and worn-out servants, and continued to their descendants; these lands are called also Milkee.
13. Muhotturan: D° - - D° - - D°.
14. Inamat: - D° - - D° - - D°.
15. Churagh Afraz-i-Durgah: For furnishing the lights which it is customary to burn on Mahomedan tombs.
16. Nokurran: Granted in lieu of wages to servants.
17. Jageer: Lands granted with stipulations, for certain services to be rendered to the state. On most of the lands of this description, in this district, a small quit-rent has been assessed.
18. Nankar: The produce of the Lakheraje lands is not ascertainable from any records at present in this office, but the rate for beega is generally about one-half of what is paid for Malguzaree lands. The number of registered Lakheraje tenures is 16,546; and this is computed to be not more than one-eighth of the whole number existing in the district.

19.—Which of these descriptions of lands are, in general, in the best state of cultivation; the rent-free lands, or the lands which pay revenue to Government?

I conceive the former are; and the superiority may be ascribable to the easy terms, as mentioned in the foregoing, on which the lands are rented, and to the farming system not being generally pursued by the proprietors, who, in general, are present on the spot, and in small estates often cultivate the whole themselves. They have not the same inducements as the landholders paying revenue to Government to rack-rent their ryots, and are more willing to grant indulgencies in case of failure in the crops.

20.—What description of old rupees are current in your district?

The Patna sonats are the chief currency of the district; and in the neighbourhood of the town of Purnea, and in the southern quarter, a few of the old eleventh sun siccas, called poorbees, are in circulation.

21.—What is the reason that these rupees continue in circulation, and how are they replaced as they become worn and diminished in value; the 19 sun sicca rupees being the only description of rupee struck in the provinces, and that being the rupee in which the public revenue ought to be paid?

The imports from the Morung country into this district are very considerable; viz. timbers, rice, cotton, gums, cardamum, and drugs of various sorts; and the balance of trade being much in its favour, it carries out a large sum in the Patna sonat rupees. Excepting that species, none other which is in circulation within the Company's provinces is current in that country, and the Morung merchants decline taking any other in exchange for their commodities; consequently it has become almost the only currency in the northern parts of this district.

The zemindars of those parts, therefore, being under the necessity of receiving it from their under farmers and ryots, in payment of their rents, remit the coin so received to their respective bankers in the town of Purnea, who exchange it, mostly at an exorbitant battee, for gold mohurs and siccas of the 19th sun, to be paid into the Honourable Company's treasury on account of Government revenues. Thus then it becomes the interest of the bankers, who are a numerous body, to continue them in circulation by all the means in their power, for the sake of the profit which arises to them on changing the rupees (the battee on sonats and poorbees varying from 2 to 6 per cent. according to the largeness of the revenue instalments to be paid to Government); and through their influence, for they are in general monied men, with very extensive connections, it is, that the sonat species has been continued in circulation throughout all the other parts also of the district, which the Morung trade does not affect. But I must confess myself at a loss to explain how they are replaced when worn or diminished in value.

No. 1.—part 2.

Answers by the COLLECTORS.

Zillah Purnea, 27 April 1802.

22.—What rules would you recommend to be adopted for the purpose of introducing the 19th sun sicca rupee into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee?

Under the circumstances of the trade of this district with the Morung, as above recited, both the practicableness and the policy of the measure may admit of doubt.

It might probably tend to the attainment of the object in view, were the Collectors authorized to accept of the sonat and poorbee rupees, in payment of Government revenues, at an equitable and fixed rate of battee; the amount thus received to be remitted to the mint master at Calcutta, and to be there recoined.

The present Regulations, which make illegal all bonds and other instruments, specifying any other species than the rupee or gold mohur of the 19th sun to be received or paid, still to remain in due force. This measure may eventually drain the district of the sonat species, but an essential step would be first to break the combination of the bankers, and this, I fear, it would be found very difficult to accomplish, for the landholders, even were Government to receive the sonat rupees at a lower rate of battee than they would have to pay to their bankers, might probably still prefer remitting their revenues through them, from consideration of the seasonable assistance which the bankers have it in their power to render them, by advancing money on pressing emergencies. Eventually it might not prove a loss to Government were the sonat species to be received by the Collectors at par, as its intrinsic value, I believe, is greater than that of the 19th sun sicca, from there being less alloy in the rupees.

The bankers, to discourage the circulation of the 19th sun sicca rupees, make it a practice to demand battee on them if they be in the least soiled, or on various other futile pretences; it may therefore be advisable to issue orders strictly prohibiting such procedure, on pain of very heavy penalties; and as the plea they urge is that battee is demanded on such rupees at the Company's treasury, it may be proper, at the same time, to authorize the Collectors to receive the 19th sun sicca rupees indiscriminately at par.

23.—Do gold mohurs circulate in your district; to what extent, and do they pass at par, that is, for the value of 16 sicca rupees, when tendered for the purchase of goods; in payment of private debts and public demands, it is, of course, received at the rate which the law requires?

Gold mohurs are in circulation in the town of Purnea only, but not in the interior of the country; in the purchase of goods they always pass at par, and sometimes even bear a premium. A great portion of the revenues of Government are paid in them to the Collector.

24.—Has the establishment of the currency of the gold mohurs, in the interior of the country, operated beneficially or otherwise?

Is answered by the foregoing.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands held exempt from the payment of revenue?

Two Quinquennial Registers of land paying revenue to Government, one commencing with the year 1202 B.S. and the other with 1207 B.S. are complete. A rough draft only of a Register of the lands held exempt from the payment of revenue, commencing with the year 1202 B.S. and containing the number of tenures, viz. 16,546, specified in No. 18. is ready; and I fear that the whole cannot be duly prepared without the temporary addition of an English writer to the present establishment, the tenures being so very numerous.

26.—What descriptions of persons are in general the purchasers of lands disposed of by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

They are in general respectable monied men, and possessing large capitals; their system of management, I conceive, is much better calculated for the permanent improvement of the estates, than that of the former proprietors?

27.—Are you of opinion that any of the proprietors of lands in your district would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma); and how many years purchase do you suppose the proprietors would offer for such remission.

I am of opinion that they would not readily be induced to do it; the distrust of the natives of this country is so great, that I fear the most solemn assurances of Government would not convince them that they should be secure in their purchases. Could this distrust be overcome, there are a few of the principal proprietors in the district, who, I conceive, are able and would be willing to do it; and I suppose they would offer about six or eight years purchase.

28.—What is your opinion as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question, (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

Could the arrangement be carried into effect to any great extent, it would certainly be advantageous

advantageous both to the proprietor of land and to Government; in so much as to the former it would yield a large income, thereby enabling him to pay his revenues better; and to the Company it would leave a better security for the remaining portion of revenue to be collected. And it would tend to promote the general prosperity of the country; as the proprietor would then be possessed of ample resources, from which to make up deficiencies which might occur in his Mofussil rents, from drought, inundation, or other causes; and therefore would not so readily be induced to rack rent his under farmers and ryots, which, it is feared, he now often does, if urged, in such emergencies, for the payment of his revenue; and it is to be reasonably expected, that, from the holding a greater interest than formerly in the land, he would be induced to sit down seriously to the task of regulating the rents.

Such an arrangement too would ultimately throw into the coffers of the landholder a large capital, without which no improvements of consequence in agriculture can be looked to.

(Signed) *W. E. Rees*,
Act[g] Coll[r].

Zillah Purnea,
27th April 1802.

(Zillah Rajshahy.)

To Captain MERRICK SHAWE,

Military Secretary to his Excellency the Most Noble the Governor General, &c. &c.

SIR,

CONFORMABLY to directions from the Honourable the Vice President in Council, under date the 3d instant, I have the honour to transmit for his Excellency a copy of my Reply to the Interrogatories of Government to Collectors, issued on the 29th October last.

I have the honour to be, Sir,
Your most obedient humble servant,

Zillah Rajshahy,
26 Dec. 1801.

(Signed) *And[w] Gardiner.*
Coll[r].

To G. DOWDESWELL, Esq.

Secretary to Government, Revenue Department, Fort William.

SIR,

I HAVE the honour to acknowledge the receipt of the Interrogatories to Collectors, from the Honourable Vice President in Council, which accompanied your letter of the 29th of October last, and herewith to furnish my Replies thereto, with an Appendix occasionally referred to.

For the sake of perspicuity I have recapitulated the Queries, and placed the Answers opposite each.

I have to apologize for not having complied with these orders earlier; but it has been owing to severe indisposition, which necessitated me to apply to the Board of Revenue for a short leave of absence, and I was only enabled to return to my station the 11th instant.

I shall, agreeably to the instructions conveyed in your letter of the 3d instant, transmit the duplicate of the Report to his Excellency the Most Noble the Governor General.

I am, Sir, &c.

Zillah Rajshahy,
22d Dec. 1801.

(Signed) *And[w] Gardiner.*
Coll[r].

(A true Copy.)
A. G. Coll[r].

REPORT from the Collector of Zillah *Rajshahy*, in conformity to the Queries of the Honourable Vice President in Council, dated the 29th October 1801.

INTERROGATORIES.—1. Are the crops of the present year expected to be productive?

REPLIES.—Reverting to the state of the crops when the Collector had the honour to report to the Board of Revenue, under date the 11th June 1801 (Appendix, No. 1.) and comparing it with that which befel them in consequence of the uncommon sudden rise of the rivers, reported on the 24th August (Appendix, No. 2.) which destroyed the pools, and was the cause of much loss; he is of opinion, that taking the district generally, they will be found to have fallen short of expectation one half.

2.—What is the amount of the balances outstanding in your district on account of the past year, and what is the state of the collections for the present year?

The amount of the balances outstanding in the district of Rajshahy, at the close of the Bengal year 1207, was R[s] 2,08,551. 7. 2. 3. of which there has been recovered to the present

No. 1.—part 2.

Answers by the COLLECTORS.

Zillah Rajshahy, 26 December 1801.

date R^{s} 1,39,938. 6. 16. 1. reducing them to R^{s} 68,613. 0. 6. 2. of which sum R^{s} 573. 10. 7. is an authorized deduction on account of the teak plantation of Government. The remainder R^{s} 68,039. 5. 19. 2. may bear the following descriptions:

Deemed irrecoverable - - - - - - - - -	11,159	5	19	1
Due from absconded defaulters, who have no more lands, but who may perchance be apprehended, or some property belonging to them may be found, for both which purposes every exertion is using - - - - - - - - -	41,369	10	11	2
Still expected - - - - - - - - - - -	15,510	5	8	3
Total - -	68,039	5	19	2

In regard to the collections of the year, notwithstanding the calamities of the season, they are in a much more favourable state than those of the past, and the Collector flatters himself they will continue to bear such a result, on comparison, to its close.

3.—What is the amount of the jumma of the lands which have been or are expected to be sold in your district, for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

The jumma of the lands which have been sold in the district of Rajshahy, for the purpose of realizing the balances of the past year, is R^{s} 1,06,523. 10. 14. and no further sales are expected to take place.

The prices, taken generally, have been favourable; where the contrary has happened, it is to be attributed to oppression or neglect on the part of the former proprietor; causing in the one instance depopulation, and in both a diminution of assets, which can only be retrieved by care and encouragement on the part of the purchasers, who bid according to the probable expense they must be at in effecting a restoration.

4.—Are the existing Regulations for collecting the revenue of Government from the zemindars and other proprietors of lands, with whom a permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without, at the same time, affecting the security or value of landed property?

The existing Regulations are certainly well calculated to secure the punctual collection of the public revenue from the zemindars and other proprietors of land, with whom a permanent settlement has been concluded; but not without affecting the security or value of landed property, owing to the circumstance of the proprietors being required to pay the kist of the past month by the first of the ensuing: for, in order to effect this, they must commence making their demands on the ryots from the commencement of the month for which the kist is due, as the zemindar has first to call on his naib, the naib on the kurrumcharies, the karrumcharies on the ryots, and similar returns are to be made in the reverse order, before the proprietor has it in his power to transmit his realizations to the huzzoor; and as he finds no excuse there admitted for nonpayment, he is, in a great degree, induced to oppress his dependents, in order to save his lands from attachment and a subsequent sale. This oppression leads to depopulation, and its consequence, neglect of culture; so that when the lands came to be offered for sale (the only security which Government have) they have obviously suffered a diminution in value. The Collector is of opinion that such bad consequence, might be obviated, by extending the period of demand against the proprietor to the 15th of the month following that for which the kist is due. He also begs leave to suggest it as a desirable object, in order to prevent the too frequent recurrence of defaulters absconding, and the consequent loss which Government has sustained, as noticed in the 2d description of persons from whom balances are due on account of 1207, under the 2d Answer of this Report; that all future purchasers of land should, in addition to the security of their landed property, be obliged to enter into recognizances, binding themselves to answer all demands which may be outstanding against them in the event of their becoming defaulters, on pain of forfeiting a certain sum proportionate to their jumma; and that they should furnish good and creditable security for the faithful performance of such engagement. Such a regulation would also tend to prevent the great evil, which has too often occurred, of purchasing in ficticious names.

5.—Are the existing Regulations for collecting the revenue of Government, from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

The Regulations appear to the Collector also well calculated to secure the punctual collection from farmers; but an extension of the period of demand, from the 1st to the 15th, is also recommended in regard to them, for similar reasons as set forth in the 4th Answer.

6.—Are the existing Regulations for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers, and from their ryots, well calculated for the purposes intended, without, at the same time, affording to the proprietors and farmers of land the means of oppressing their under farmers and ryots?

It has been already noticed, that the proprietors and farmers are induced to be harsh with their dependants, in order to enable them to comply with the demand of the huzzoor on the 1st of the month ensuing to that for which the kist is due.

7.—When

7.—When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

The present Collector was appointed on the 13th of July 1795; and the cultivation of the district has certainly been greatly improved and extended since that period. The degree of improvement, since the first year of the Decennial Settlement, may be reckoned at two lacs of rupees. The proportion which the uncultivated land now bears to the cultivated, is conceived to be one-third to two-thirds.

8.—Do the proprietors of estates, in general, derive a profit exceeding the ten per cent. on the jumma, the profit estimated to be left to them on the conclusion of the Decennial Settlement?

It is conceived that a proportion of three-fourths get more than the ten per cent. and the remaining fourth may be divided; half getting exactly ten, and the other half less.

9.—What is the present state of the embankments in your district?

The embankments, at present, require considerable repairs, in consequence of the late severe inundation; but it is trusted that the assiduity of the superintendent will effectually contribute to the preservation of the country in the ensuing season. Captain Parlby, of the Engineers, has hitherto had charge of the Sushkerpore embankments; and Mr. John Morgan, those situated in Bhettooreeah. The former gentleman, as a professional man, is no doubt possessed of all the requisite abilities for the due performance of the duties which have been hitherto assigned to him in regard to the embankments, and the Collector considers him as possessing the most laudable zeal for the public welfare; but the circumstance of his residing at Moorshedabad, where he has an extensive range of pools to superintend, situated in that district, appears to the Collector incompatible with the duties required of him here; for, in times of danger, it seems impossible for him, however willing he may be, to attend to both districts. The sudden rises of the river form the greatest dangers to be apprehended; and when they happen, the misfortune is general. Added to this, the distance of Captain Parlby's residence causes a great delay in his receiving information, and an equal one, if not greater, before his instructions are received, in consequence. The Collector, for these reasons, was induced to suggest to the Committee appointed by his Excellency the Most Noble the Governor General to investigate the state of the embankments, the advisableness of placing the Sushkerpore embankments under charge of Mr. John Morgan, who resides on the spot, and whose personal attentions to the duties which have already been allotted to him he can vouch for. The Collector again takes the liberty of recommending this plan to the notice of Government, as tending highly to facilitate that attention which the public embankments require.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

The proprietors of land, in general, have attended to the improvement of their estates; but this improvement has been chiefly confined to cultivating waste lands and clearing jungles, not to the establishing of any works or making embankments. A few tanks have been dug where water is much wanted in high spots; but they are generally made, if the Collector may be allowed to use the expression, and the assertions of the natives themselves are to be believed, "from a wish to save the soul alive," and have little to do with the present life. No tukaver has been paid on any of these accounts, as held out to those who wish for it, by the Regulations of Government.

11.—Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land in general, previously to the conclusion of that settlement; and is the situation and condition of the ryots or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

Moderation, and attention to the principles of good faith, in transactions among the natives, are, the Collector is sorry to be of opinion, rare qualities to be met with; however, he would not be so uncharitable as to denounce the whole race: there are certainly good men amongst them, who feel the benefits arising from British administration under the present system; and as, since the establishment of the permanent settlement, these fortunate provinces have not been visited by war, famine, or pestilence, population must have increased. These good subjects have no doubt disseminated their opinions among their progeny; it is therefore reasonably to be hoped, that the time is not far distant, when moderation and the principles of good faith shall be predominant; and when this desirable event takes place, it will shed its genial influence over the immediate cultivators of the soil, who are at present as comfortable as can be expected, under existing circumstances.

12.—What is the state of the roads in your district? Are there any parts of the district, the making of roads through which would be particularly beneficial to the country; and what would be the expense attending the work?

The Collector having nothing now to offer respecting the roads, takes the liberty of referring to his address to the Board of Revenue on this subject, under date 3d April 1801, which is copied in the (Appendix, No. 3.)

No. 1.—part 2.

Answers by the COLLECTORS.

Zillah Rajshahy, 26 December 1801.

13.—What is the estimated number of the inhabitants in your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

The estimated number of inhabitants in this district is 1,500,000; previous to the separations which took place, it was reckoned — — — — — — — — 1,997,763

Males		1,107,683	
Adults	817,763		
Boys	289,922		
		1,107,683	
Women	890,080		
Grown	683,950		
Children	206,130		
		890,080	
			1,997,763

The separations are estimated at ten lacs, and the annexations at five, leaving in round numbers, as above stated, 1,500,000. The Collector is of opinion, that the proportion which the Mussulmans bear to the Hindoos, is as 3 to 5.

14.—What are the most valuable articles of produce in your district, and has the cultivation of them particularly increased of late years; what is supposed to be the cause of that increase?

The most valuable articles of produce in Rajshahy are mulberry and paddy; and the cultivation of them has increased in proportion to the extended state of agriculture, already noticed in this Report.

15.—Are the stamp duties becoming more productive; and what sum do you expect those duties will produce in your district, in the present year?

The amount expected from the stamp duties in zillah Rajshahy in the present year, is rupees 14,500. They may become more productive in future, by extending the stamps to other papers, as proposed in the Collector's Letter of 15th June last. Vide (Appendix, No. 4.)

16.—Are the abkarry collections increasing or decreasing?

The abkarry collections are less than in former years; but he does not attribute this to a diminution of rice, he is rather afraid that, notwithstanding all his care to prevent it, a quantity of liquor is manufactured clandestinely.

17.—Are there any articles in your district on which a productive tax might be levied, without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied.

The Collector being of opinion that taxes should chiefly be put on articles of luxury, begs leave to propose their being levied from those natives who keep carriages, palanquins, and pleasure boats, and on such as can afford to entertain a separate servant for the purpose of carrying an umbrella. In regard to the mode of levying these taxes, the Collector would propose that his assistant be empowered to keep an office of registry, with established fees for the performance of this duty; and that every person using the above indulgences, be directed to register himself on pain of confiscation of the article used, or a certain mulct, as may be deemed most eligible, the Collector to levy the tax, according to the assistant's book of registry. Those who enjoy rent-free lands, and participate in the general benefits received by the community, without contributing any thing to its support, might, he conceives, also with propriety be made subject to the payment of a tax.

18.—What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government.

The descriptions of the rent-free lands in this district, are muddudmaih or lands granted for subsistence, and belachurt or unconditional, and they are generally considered hereditary, their produce is reckoned at not less than three lacks annually; the jumma of the lands which pay revenue to Government, is Rupees 14,71,902. 11. 15. 3.

19.—Which of these descriptions of lands are, in general, in the best state of cultivation; the rent-free lands, or the lands which pay revenue to Government?

The rent-free lands are, in general, not admitted to be waste, as the lands paying revenue to Government often are; but the latter when cultivated, are reckoned more productive than the former.

20.—What descriptions of old rupees are current in your district?

Old sonat rupees are still prevalent in the Mofussil, and a few French arcots.

21.—What is the reason that these rupees continue in circulation, and how are they replaced, as they become worn and diminished in value; the 19 sun-sicca rupees being the only description of rupee struck in these provinces, and that being the rupee in which the public revenue ought to be paid?

One chief reason for their still continuing in circulation, appears to be, that they are not offered in payment of revenue at the public treasury, but previously changed by the shroffs and mehaguns, who make a profit by the batta, and again send them into the Mofussil.

22.—What

22.—What rules would you recommend to be adopted for the purpose of introducing the 19-sun sicca rupee into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee?

The Collector is of opinion, that if a Regulation was enacted, to commence its operation six or twelve months after promulgation, prohibiting all persons from taking any other rupee but the 19 sun sicca, under pain of their being confiscated whenever found, it would have the desired effect; and in the mean time the proprietors of land should be directed to send in the actual rupees they collect, to the public treasury, to be received according to weight, and sent to the mint to be recoined into 19 suns, as has already been the intention of Government.

23.—Do gold mohurs circulate in your district; to what extent, and do they pass at par, that is, for the value of 16 sicca rupees, when tendered for the purchase of goods; in payment of private debts and public demands, it is, of course, received at the rate which the law requires?

Gold mohurs circulate in this district generally at their full value of 16 sicca rupees, and the Collector conceives that a fourth part of the transactions is carried on in this coin.

24.—Has the establishment of the currency of the gold mohur, in the interior of the country, operated beneficially or otherwise?

The establishment of the currency of the gold mohur, in the interior of the country, is reckoned to have operated beneficially, from its advantage in portableness.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands held exempt from the payment of revenue?

The Collector had registered, on the original plan, 1,168 estates paying revenue to Government, as they stood on the commencement of the Bengal æra 1202, when he stopped progress, in consequence of the promulgation of Regulation VIII. of 1800, and waited for the new forms directed thereby. These were furnished under date the 30th January 1801, but were not received until the 17th March following; previous to which, viz. the 19th February, the Collector, conformably to the 17th Section of the above Regulation, reported to the Board of Revenue the additional assistance required for keeping the registers, as per letter, copied in Appendix No. 5. In reply to this address, he, in a letter from the Secretary to the Board of Revenue, dated 5 June, and received the 15th, was informed that his Excellency the Most Noble the Governor General in Council had come to a resolution, under date the 3d of June, to revise such part of Section 17 of Regulation VIII. of 1800, as related to the employment of extra-officers, for preparing and keeping up the registers of landed property, that the establishments proposed were not authorized, and at the same time prohibiting the entertaining of extra officers; the progress therefore which has been made is but small, being 100 estates, as they stood on the 1st of Bysaack 1207.

The necessary advertisements, allowing a farther period of one year to the rent-free landholders by the above Regulation, were issued on the 14th February 1801.

26.—What descriptions of persons are in general the purchasers of the lands disposed of by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

The purchasers, in general, at the public sales, are men who have raised themselves by service, and their system of management is considered to be conducted on better principles than those of the former proprietors, from the circumstance of its not now being necessary to sell so many estates as formerly.

27.—Are you of opinion that any of the proprietors of lands in your district would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent of that jumma); and how many years purchase do you suppose the proprietors would offer for such remission?

The Collector is of opinion that the minds of the proprietors are not prepared to meet the plan suggested in this question, and that, with their present ideas, the very few who might come forward would not offer more than three years purchase.

28.—What is your opinion as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question, (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

The Collector is rather of opinion that the plan would be detrimental to the general improvement of the country, inasmuch, as that the first object of the purchaser would be to reimburse himself as speedily as possible; and this wish might lead him into acts of oppression, destructive, in the end, to his own interest certainly; yet still it is to be apprehended it would be the case.

(Signed) *Andrew Gardener*,
Collector.

Zillah Rajshahy,
22 December 1801.

No. 1.—part 2.

Answers by the COLLECTORS.

Zillah Rajshahy, 11 June 1801, Appendix.

APPENDIX to the Report from the Collector of Zillah Rajshahy, in answer to the circular Interrogatories of the Honourable Vice President in Council, bearing date the 29th October 1801.

(No. 1.)

To THOMAS GRAHAM, Esq. President, and Members of the Board of Revenue.

(No. 1.)

GENTLEMEN,

CONFORMABLY to the circular Orders conveyed in your Sub-Secretary's Letter of the 12th ultimo, I have the satisfaction to acquaint your Board, that the crops of grain in this district are at present in an excellent state, and that the natives in general appear hitherto perfectly satisfied with the weather.

I have the honour to be, &c.

Rajshahy, 11th June 1801.

(Signed) *Andrew Gardener*, Collector.

(No. 2.)

(No. 2.)

To THOMAS GRAHAM, Esq. President, and Members of the Board of Revenue.

GENTLEMEN,

IT is with real concern I announce to you, that the fine prospects of a plentiful crop reported in my address of the 11th June last, are greatly done away, owing to the very great rise of the rivers, which has caused several breaches in the pools, and the greater part of the country is thereby overflown. Much distress is occasioned to the peasantry, and consequently to the proprietors of the lands.

It wants still a month of the period on which I am directed to furnish a Report; but I have deemed it my duty to acquaint you with the present state of the district, that you may not be led to draw flattering conclusions from the pleasing tenor of my last Report.

I have the honour to be, &c.

Zillah Rajshahy, 24th August 1801.

(Signed) *Andrew Gardener*, Collector.

(No. 3.)

(No. 3.)

To THOMAS GRAHAM, Esq. President, and Members of the Board of Revenue.

GENTLEMEN,

1. IN compliance with the Orders conveyed in your Sub-Secretary's Letter of the 9th May last, enclosing Copy of Instructions from his Lordship in Council to the Magistrates, respecting different objects of enquiry, I have now the honour to submit such information as I have been able to obtain, from the records of my office, and from conversations with natives versed in the subjects, as well as from what has come under my own observation.

2. For the sake of perspicuity, I shall quote the Queries in the margin, and answer each distinctly, to the best of my abilities.

1st. You will give an account of the Roads within your jurisdiction, reporting in what manner and by whom they are repaired.

3. The communication in this district is, except from the beginning of January, to the end of May or middle of June, almost entirely carried on by water.

4. The roads frequented during the dry season, scarce deserve the name, being for the most part merely footpaths made by the people walking, and driving their cattle from village to village, when the waters are shallow.

5. There were formerly high roads in the district, but they have all fallen into decay, so much so as hardly to be traced. Four may be mentioned; viz. one from Nattore to Nobolgunge, 28 miles west; one from Bauliah, to the northern boundary of the zillah, towards Rungpore, 52; one from the banks of the Pudda, to the northern boundary of the zillah, towards Muldah or Dunagepore, 44; one from pergunnah Chowgery to Bomannepore, about 24 miles distance, which was made by Moha Ranni Bhewannee: it has been an excellent road, and is still so in many parts, not being even subject to inundation, from its height; but there are a number of breaches in it which require filling up.

6. There is one pretty good road from Nattore, in a S. W. direction to Malunchi, on the banks of the Burrel, which was made during Mr. Grant's magistracy, in 1795. It extends nine miles, and requires annual repairs, which it receives from the prisoners. From its great loftiness, the heavy pressure of water on it during the height of the rains causes several breaches, and renders it impassible annually for a time: this would be obviated by erecting bridges.

2d. You will state what Roads are particularly required, in

7. As great benefit must result to commerce, by having good roads interspersed through a district where it is stagnated for the want of them, I beg leave to recommend your notice

to

to those proposed by my predecessor, Mr. Colebrooke, on the 17th of October 1794, as follow, in addition to those already mentioned.

what manner they can best be made, whether by the convicts or otherwise, and at what expense.

From Nohutta to Jehanguerpore	27 miles.	
Doolabari to Godagari	25.	
Bowani Gunge to Subgunge	36.	
Nattore to Subgunge	44.	
D° to Nookela	50	This is partly done by Ranni Bowannee's road, already noticed.
Pubna to Seerpoor	48	
Belcoochy to Ruthingunge	40	

8. A long period, of course, must elapse before all these can be effected, if they are to be made by the prisoners, which will certainly be the least expensive mode, though not the most expeditious. What the amount would be the Magistrate is best able to judge; but if the roads are to be made by day labourers, I conceive the expense may be estimated at 200 rupees per mile, on an average.

9. The best mode of preventing encroachments on the roads, after they are made, I conceive would be by putting them under the charge of the nearest police darogahs, and publishing prohibitory advertisements.

3d. What regulations are necessary for preventing encroachments on the Roads, and for keeping them in repair when made; and whether the zemindars, who are under engagements to keep the roads in repair, can be required to perform this duty

10. It should be the duty of the darogahs to report to the Magistrate, from time to time, the state of the roads, together with the transgressions of any individuals, who, on proof, ought to be made to repair the damages, and pay a fine to Government.

11. With regard to the damages which may be expected to be incurred by the periodical rains, I am of opinion, that if they happen any where within half a mile of a village, the inhabitants ought to afford their labour in making the necessary repairs; the beneficial effects must outweigh any supposed hardship: but if it extends beyond that distance, that the prisoners should be sent, under proper guards, for the purpose, by Government.

without its being felt as a hardship by them?

12. In a district so liable to inundation as this is, roads can never be expected to be permanent without bridges, and therefore a great number will be required, if the highways proposed are carried into execution; but I cannot determine how many, without an actual survey. The Road from Nattore to Malunchi being more immediately under my observation, I can venture to declare that three are absolutely necessary. Considerable breaches are made annually in consequence of the want of them, and render the road useless for a great part of the year: it is necessarily very high, which circumstance will make these bridges very expensive, not less, I conceive, than 750 or 800 rupees each.

4th. You will state whether any Bridges are necessary in any particular situations, and at what expense they can be made.

13. Having likewise travelled on the road proposed to be renewed between Nabob Gunge and Nattore, I can also state that six or seven bridges are necessary; but as the arches of these would not be required so high, I imagine 450 or 500 would be the utmost of the expense attending the erection of each of them.

14. The present Magistrate, Mr. Douglas, and I, agree in opinion, that it would be of the greatest utility the construction of a wooden bridge across the river Narrud at Nattore, as it would not only facilitate the approach of our native officers, but be of great convenience to the inhabitants in general, 30 or 40 people constantly crossing without, I may say, the smallest intermission; and the hurry is so great in flocking to the Adawluts or Collector's Cutcherry, that accidents too frequently occur, which would be obviated by the adoption of this salutary measure, of having a wooden bridge: the expense, I conceive, would be about 4,000 rupees, which would soon be reimbursed by a small toll.

15. The ferries in this district are numerous: the one of greatest resort, I believe, is that established at Nababgunge, called by the natives Koodulkali Ghat, but denominated in the public records Goozar Gourangpoor; it belongs to the zemindar, who pays an annual rent to Government into the treasury of the Collector of Moorshedabad of 2,631. 13. 4. rupees: he sometimes farms it, and sometimes holds it khaus, and he settles the expenses accordingly.

5th. You will report on the present state of the Ferries, particularizing by whom the necessary establishments of boats are kept up, and in what manner the expense is defrayed.

16. There are about 40 other principal ferries on the Pudda. The following are the names which have come to my knowledge: Goozur, Hazrahate, Birezpore alias Poolbaria, Shekunderpore, Shakapore, Surdah Ghat, Dokrakol, Hurreshungkorpoor, Koostia, Avora, Dhooniagacha, Aûtooa, Moonshidpoor, Koomedpore, Lallpore, Nazir Gunj, Dhowapara, Binodepore, Srepoor, Mertibhora, Russora, Oodypoor, Gungadhurdi, Godagari, Doomria, Selimpoor, Ameerpoor, Goalpara, Baltitha and Alypoor, from all of which Government derive rents, through the respective zemindars, in a similar mode to that mentioned with respect to Goozur Gourangpoor, in the last paragraph.

17. The other ferries in the district are small in comparison with those mentioned, but mostly pay in the same manner, and the disbursements are made from the profits arising on the receipts; they may be estimated, in number, at 250: about 30 or 40, perhaps, may be kept up by the ryots themselves, for their own convenience during the periodical rains, and where the zemindar, to prevent hindrance to his occupations, allots a few begahs of chakeram land to a Ghaut Manjee to carry his dependants across at all times.

6th. What arrangement would you recommend for the future regulation of the Ferries.

18. The chief regulation necessary appears to be, the fixing of the rates, and the prevention of the mangies carrying over armed natives or suspicious people during the night, when

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when robbers are, in general, attempting to escape to other districts. When such circumstances occur, they ought to be immediately reported to the nearest police officer. This would serve as a great check on the depredators: the mochulkas to be taken from the Ghaut Manjees should contain a specific clause to this effect; should express the fixed rates, which ought also to be published by posting them up on a board at the ferry, to prevent imposition; and they should be strictly enjoined, under a penalty, to keep good and sound boats.

19. Keeping a register of the passengers going backwards and forwards at the ferries would be a recommendable measure, if the manjees were not all too illiterate to admit of this plan being adopted.

7th. What regulations would you recommend for preventing encroachments on the streets in the cities and principal towns, as well as on the public roads, for widening and giving regular order to the streets, whenever an opportunity may occur, either in consequence of the frequent accidents by fire or otherwise?

20. The streets of almost all Indian towns are extremely narrow and confined; and the houses in this district being mostly composed of mats and bamboos, with thatched roofs, are subject to fires, which happen frequently, often owing to the carelessness of the natives when cooking or smoking, and sometimes to the rascality of the straw and bamboo merchants, in order to enhance the value of those articles.

21. Nattore, the town immediately under the observation of the European residents, is completely in the above predicament: having narrow streets, and the houses almost all thatched with straw, a year never passes without conflagrations. These melancholy opportunities of widening the streets ought to be laid hold of, in order to prevent as much as possible the recurrence of similar accidents; and all future encroachments should be immediately removed at the expense of the transgressor, who should also be obliged to pay a fine to Government.

8th. What Regulations would you recommend for preventing, as far as possible, accidents by fire in future?

22. The building of pucka houses appears to be the only sure mode of preventing such accidents; but in a place like Nattore, for instance, this cannot be expected. A very small portion of the natives can come under the denomination of merchants, as few carry on trade to any great extent; the inhabitants are chiefly fishermen and day-labourers, and cannot possibly go to the required expense.

23. Next to the plan of building pucka, so as to ensure safety, is that of building mud walls and tiling the roofs; but as this has never been practised in this district, there are no tile makers, and it would be difficult to get earth sufficient to raise the walls. The natives have also objections to the tiles, from their great heat when the sun beats on them, and from their being constantly subject to be broken during the north-west season.

24. It is observable, that the fires generally originate in arrack shops, gambling houses, and houses of bad fame; it seems therefore advisable, that the Magistrate should be empowered to remove all such to a particular allotted spot in the suburbs, as their remaining in the town not only endangers the other houses around them which are liable to combustion, but also the few pucka houses which have been erected by the more opulent, as they are likewise subject to considerable damage.

25. I am of opinion, that the display of fireworks and letting off sky-rockets, ought also to be prohibited in large towns, as serious accidents are likely to occur from this practice being admitted.

9th. Whether any, and if any, what arrangement appears to you necessary for supplying the cities and principal towns with water, either by digging tanks or otherwise; whether the work could be executed by the convicts, and at what expense?

26. It would be of great benefit in many places the digging of tanks, which might be done at the same time of making the roads, by applying the earth to the latter purpose in preference to digging ditches at the sides of the roads, which would not only be useless but dangerous also.

10th. Whether it be necessary in any particular places to drain off stagnate water, to fill up excavations, &c. and in what manner, and at what expense the work can be performed?

27. In a district so liable to inundation as this is, it is difficult to fill up holes without making other excavations equally objectionable; it seems therefore the preferable mode to enlarge them regularly and make tanks of them, which might be done by the convicts, when not otherwise employed.

11th. Whether the communication by water could be materially facilitated and improved, either by clearing and deepening the bed of the river in any particular situation, by opening bunds or otherwise; whether the work could be executed by the convicts, and at what expense?

28. The river Narrud, on which the town of Nattore is situated, being only navigable in the dry season for small fishing boats, it would be of great benefit to the commerce of the place, if the communication between it and the river Burrull for boats of any size could be kept up for the whole year, as during the rains is now the case. This might be effected by deepening the Narrud in several places, particularly at Dorail, about four miles distance; the convicts might be employed on this work with advantage, but it will no doubt be both laborious and expensive.

29. There was formerly a communication between the river Pudda and the Narrud, immediately under the Company's factory at Rampore Bauliah, which has been stopped up; and I have not been able to find on the records any reason for this step. It certainly would be of great benefit to the trade of Nattore, if it were opened again; but there may be strong objections to the measure, which Captain Parlby of the Engineers, who is in charge of the embankments in that part of the district, may be enabled to give information of. The following is an extract of a letter from Mr. Harrington, while Commissioner here, dated 24th February 1792, on this subject; but what was done in consequence has eluded my research.

"Should

"Should a professional person be appointed, I further beg leave to request that it may "be made a part of his commission, to survey the course of the Narrud river from this "place to where it formerly joined the Puddah near Bauliah, and to ascertain what would "be the annual expense of the embankments, necessary to prevent its overflowing the "country in the event of its being opened, so as to afford a free communication with the "Puddah."

"The expense of opening this river would be very inconsiderable indeed; I believe it "might be effected almost without any expense, by employing the Fouzdarry convicts on "the work; and as it would give a free passage for boats of burden to Nattore, at all seasons "of the year, the advantage of it would be great. It may however be liable to greater "disadvantages less obvious, and I would not on any account recommend the opening the "passage suggested, without surveys being first made by a professional person, well qua-"lified to judge of the consequences; the more especially as it was formerly open, and must "have been closed from experience of some inconveniences; though, from the enquiries I "have made, I am induced to believe that these inconveniencies, viz. such as could have "resulted from its overflowing its banks in some places, would have been better remedied "by raising a bund where requisite, than by closing up the mouth of the river, in conse-"quence of which the nearest communication between Nattore and the Puddah is by the "Burrell, a very circuitous route, and this open in the rainy season only. At present no "boats of any considerable burden can come here, and small boats which come from Ja-"furgunge by the Chullun jail, are stopped some miles below Nattore, where the cargoes "are shifted, brought on a short distance by land and re-embarked on other small boats "for this place."

12th. Whether it appears necessary to prohibit or restrict the growth of bamboos or other plantations in the neighbourhood of the cities and principal towns, with a view to render them more healthy, and if so, under what particular regulations?

30. I am of opinion, that bamboos form so useful an article of consumption, that the total prohibition of them in the neighbourhood of cities and towns, would operate as a hardship on the individuals inhabiting them; but that the plantations should be frequently thinned, so as to admit of a free circulation of air, and cleared from all underwood, I think highly necessary; and this should be a principal object of the Magistrate and police officers under him to see adhered to; as where the plantations are thick, and covered with under-wood, they generally form hiding places for theives and decoits.

13th. Whether there are any jungles within your jurisdiction, which could be cut down and cleared by the labour of the convicts or otherwise, either with a view to extend the cultivation, to prevent their affording a refuge to banditti and destructive animals, or with a view to render the climate more healthy; whether the zemindars would be willing to engage in such undertakings, and in that event, what assistance they will require from Government?

31. There are a great many jungles in the district: the principal are in Pergh Chandly, Pergh Weezerpore, Pergh Bansdol Pultapore, Nimgatche in Pergh Mehmenshahy and Ramrama in Pergh Amrole, which are all resorts for decoits and every kind of destructive animals.

32. The clearing of these jungles would be of the greatest benefit, but there appear objections to employing the convicts in this labour; viz. the probability of frequent escapes, and the chances of rescues being attempted.

33. It is certainly the interest of the zemindars to clear these jungles themselves, as under the Regulations they are not liable to any increase of revenue which is unalterably fixed; but they seem in general afraid of the expense. Much under jungle has been cleared and brought into cultivation since my arrival in this district, and I have the pleasure of seeing agriculture daily extending in such situations; but the jungles above noticed are very extensive, and consist of large trees of every description, and also in many places of cane, which becomes impenetrable to man; I am therefore of opinion, that without the assistance of Government the destruction of them cannot be effected. The zemindars however seem afraid to borrow, under the idea that they would be hardly pressed when the tuccavy becomes due; it appears therefore necessary, in order to obviate these alarms, that a long period should be allowed, and every encouragement offered to incite the landholders to the adoption of this most salutary measure.

34. In regard to the remaining part of his Lordship's proceedings, namely, in what manner the expenses attending the objects in view can be provided for, I am of opinion, that, with exception to the toll proposed for the erection of the wooden bridge over the Narrud, they might be defrayed by the produce of the taxes hinted at in my Address of the 14th October last *.

I have the honour to be, &c.

Z. Rajshahy, 3d April 1801.

(Signed) *Andrew Gardiner*, Collector.

No. 4. (No. 4.)

To THOMAS GRAHAM, Esq. President and Members of the Board of Revenue.

GENTLEMEN,

IN reply to your Sub-Secretary's circular Letter, of the 1st ultimo, with its enclosure, directing me to report, whether there are any other sorts of paper in common use among the inhabitants of this district, besides those specified in Regulation VII. of 1800, which, by being rendered subject to the payment of a stamp duty, might become a productive source of

* The substance of the Letter alluded to is repeated in the Answer to the 17th Interrogatory.

No. 1.—part 2.

Answer by the COLLECTORS.

Zillah Rajshahy, 11 June 1801, Appendix.

of revenue, without operating as a burthen upon any particular description of people, I beg leave to submit the following sentiments.

It is directed, in the above Regulation, that all petitions presented by individuals to the Collectors, shall be on stamped paper, but it does not appear that this order extends to the answer and subsequent proceedings which the Collectors are under the necessity of holding on the subject represented; I would, therefore, recommend, that this extension should take place.

I am also of opinion, that all perwannahs issued at the request of any individual, should be on stamped paper, chargeable to the petitioner.

It seems to me but fair, that in all appointments which take place, the sunnud should be on stamped paper, chargeable to the person who is to enjoy the office; but that in cases of ameens deputed to attach the lands of defaulters, the stamp duty should become a charge to the person who caused the appointment.

Engagements on account of Government revenue are exempt from the stamp duty by the Regulation, but the idea is gone abroad that this extends to all revenue matters; it is my humble opinion, however, that the transactions of lakheraj landholders are not included, and should your Board coincide with me, I would beg leave to recommend its being particularly specified, that the indulgence does not extend to rent-free landholders.

I conceive that if all Razenamahs, Sudder and Mofussil, were ordered to be on stamped paper, a considerable source of revenue would be the consequence.

I also beg leave to notice, that complaints made to munsiffs in the first instance, who are appointed by the Judges, are, I understand, exempt from stamp duty; but if they were subject to it, it might do away the intention of their appointment, viz. to afford more leisure to the Judges for their other weighty avocations.

I am not aware of any other papers being in use, which are not included in Regulation VII. of 1800; but should any occur to me hereafter, I shall do myself the honour of again addressing your Board on the subject.

Before I conclude, permit me to ask, whether the agreements between the zemindars and their ryots and others, in revenue matters, are intended by the Regulation to be included in the exception, as being Government revenue?

I have the honour, &c.

Z. Rajshahy, 15th June 1801.

(Signed) *Andrew Gardiner*, Collector.

(No. 5.)

No. 5.—Miscellaneous.

To WILLIAM COWPER, Esq. President and Members of the Board of Revenue.

GENTLEMEN,

CONFORMABLY to the 17 Section of Regulation VIII. of 1800, I do myself the honour to report on the additional assistance requisite for the preparation of the different registers necessary to be prepared according to the orders of Government, which, for the purpose of perspicuity, I beg leave to enumerate as follows:

1st. A quinquennial pergh register of lands malgoozary and lakheraj, in Persian, according to Regulation 8, of 1800, which directs particulars to be stated therein.		
Rough draft - - - - - - - - -	1	
Fair copy - - - - - - - - -	1	
Copy for the Board of Revenue Accomptant -	1	
		3
2d. An annual intermediate pergh register, in Persian, as above -		3
3d. General quinquennial register of estates, according to Regulation 48, of 1793, in English and Persian, three of each, as above - - - - - - - - - - -		6
4th. Quarterly register of intermediate mutations in landed property, according to Regulation 48, of 1793, in English and Persian, three of each, every quarter, annually - -		24
5th. Periodical register of lakheraj lands not badshahy, according to Regulation 19, of 1793, in English and Persian, three of each, quarterly - - - - - - - -		6
6th. Quarterly register of intermediate resumptions, or the occurrences respecting grants, not badshahy, of exempted lands, according to Regulation 19, of 1793, in English and Persian, three of each, every quarter, annually - - -		24
7th. Periodical register of badshahy lakheraj lands, according to Regulation 37, of 1793, in English and Persian, three of each - - - - - - - - - - - -		6
8th. Quarterly register of intermediate resumptions, or other occurrences respecting badshahy grants of exempted lands, according to Regulation 37, of 1793, in English and Persian, three of each every quarter, annually - - -		24
Total - - -		96

Abstract:

Quarterly, 72——Annual, 3——Quinquennial, 21 - - 96.

It

It is my humble opinion, that the keepers of the native records, whose duty it is specifically to prepare the 1st and 2d, will require the assistance of four mohars, at 15 rupees per mensem - - - - - - - - - - - - - - 60

The preparation of the 3d will require two Persian mohars, at 15 R^s per mensem each - - - - - -	30	
Two writers, one at 30, and another at rupees 25 - -	55	
		85
The 5th will occupy the time and attention of two Persian mohurs and two writers, the former at 12 each, and the latter at 20 each - - - - - - - - - - -		64
The remaining numbers, viz. 4th, 6th, 7th, 8th, may be done by one writer at - - - - - - - - -	25	
And two mohurs, at 15 each - - - - - -	30	
		55
		264
Contingencies, Bengal: pens, papers, books, ink, binding, dufftory, &c. - - - - - - -		36
Rupees - -		300

I regret that it is not in my power to report any part of my present establishment which can be appropriated to the above allowances, as, on a retrospect, I can only ascribe the slow progress made in the Quinquennial Register, on the original plan, to my having rare opportunities of interfering with the other important avocations of the mohurs under me; and feeling, at the same time, a diffidence in proposing any additional expense to Government, but which is now removed, from my having been called upon by the Regulation in question.

I have the honour to be, &c.

Z. Rajshahy, 19th February 1801. (Signed) *Andrew Gardiner*, Collector.

(Rungpore.)

The Most Noble Marquis WELLESLEY, Governor General, &c. &c. &c.

My Lord,

IN compliance with the instructions of the Honourable the Vice President, communicated in Mr. Secretary Dowdeswell's Letter of the 3d December last, I do myself the honour to submit to your Lordship my Answers to the Interrogatories to the Collectors; which I should have replied to at an earlier period, had not my public duty obliged me to proceed to Dewan Gunge, to investigate the losses said to have been incurred by the encroachments of the Burrampooter River.

I have the honour to be, with the utmost respect,

Rungpore, 6th Jan. 1802. Your Lordship's most obedient humble servant, (Signed) *Alex^r Wright*, Coll^r.

ANSWERS to the Interrogatories transmitted to the Collectors in the Secretary to Government's Letter of 29th October 1801.

1.—Are the crops of the present year expected to be productive?

In general the crops of the present year have been productive; though in the low lands they have, from the heavy and unseasonable rains, been less favourable than in former years.

2.—What is the amount of the balances outstanding in your district on account of the past year; and what is the state of the collections for the present year?

The balances outstanding in the district of Rungpore, on account of the past year, 1207, B. S. amount to S.R^s 847. 6. 10. no part of which is recoverable, the estates of the defaulting zemindars having been disposed of in liquidation of the arrears of Government. The annual revenues on account of the districts of Rungpore and Cooch Behar amount to S.R^s 10,66,135. 4. 11. of which 5,95,776. 13. 5. 1. are collected. The balance account of the month of Aughun, corresponding with December, as exhibited in the Toujee accounts, is S.R^s 44,225. 13. 15. 7. which, upon a comparison with former years, is very favourable.

3.—What is the amount of the jumma of the land which have been or are expected to be sold in your district, for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sale?

The amount of the jumma of the lands which have been sold on account of 1207, B. S. for realizing the balances of that year, is S.R^s 31,977. 6. 13. 3. no other lands remain to be sold in liquidation thereof. The estates have sold at a favourable rate, with an exception to a few

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situated in the 4½ anna division of Cargehaut, the assets of which were scarcely adequate to defray the demands of Government.

4.—Are the existing Regulations for collecting the revenue of Government, from the zemindars and other proprietors of lands with whom a permanent settlement has been concluded, well calculated to secure the punctual collections of the public revenue, without, at the same time, affecting the security or value of landed property?

The Regulations for collecting the revenue from the different descriptions of landholders are fully adequate to the purposes intended, and have not affected the security or value of landed property.

5.—Are the existing Regulations for collecting the revenue of Government from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

The existing Regulations for collecting the revenue of Government, from persons holding lands in farm of Government, are adequate to the collections.

6.—Are the existing Regulations for enabling the zemindars and proprietors of land, and farmers of land holding their farms immedaitely of Government, to realize their rents from their under farmers and from their ryots, well calculated for the purposes intended, without, at the same time, affording to the proprietors and farmers of land the means of oppressing their under farmers and ryots?

The Regulations, which have been issued for the benefit of the landholders, have answered the purposes intended; and so far from enabling the landholders to oppress the ryots, that where they are inclined to be refractory, and withhold their rents, a considerable delay unavoidably happens in the collection of the revenues, owing to the ryots instituting frivolous and vexatious complaints in the Munsiffs and Darogahs Courts, established by Regulations 22 and 40, of 1793; who are too apt, either from a spirit of intrigue, or not knowing the extent of the authority delegated to them, to take cognizance of causes which do not come within their jurisdiction; to prevent which, they ought not to be allowed to receive complaints of abusive language used by the zemindars officers, until the ryots shall have paid the demands which have been the subject of contest. The provisions laid down by Section 12, Regulation VII. A. D. 1799, discountenancing all litigious suits tending to create embarrassment and delay in the collections, cannot be enforced against the lower classes of ryots, whose chief aim is to cause delay and embezzle the crops, and who have not the means of paying the damages incurred by the landholders. Many of the ryots would rather live a life of confinement than of liberty and labour; it is therefore no punishment.

7.—When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

I was appointed to the Collectorship of Rungpore on the 2d of October 1795. With respect to the cultivation, it varies in some degree, agreeable to the season, but has certainly increased since the first year of the Decennial Settlement. The proportion of cultivated land is seven-eighths, and the uncultivated land one-eighth.

8.—Do the proprietors of estates, in general, derive a profit exceeding the 10 per cent. on the jumma, the profit estimated to be left to them on the conclusion of the Decennial Settlement?

At the time of the formation of the Decennial Settlement, many of the zemindars did not accept the malikannah, or allowance of 10 per cent. on the jumma; but in lieu thereof obtained, with the concurrence of Government, Pattebutta lands. Most of the estates yield to the proprietors considerably more than 10 per cent. profit on the jumma, and the few which are not at present capable of yielding this allowance, to the mismanagement of the proprietors or their agents it must be attributed.

9.—What is the present state of the embankments in your district?

The embankments required in this district are few, and those are but in an indifferent state of repair.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

Except a few tanks for religious purposes, the zemindars have not, to my knowledge, dug any; neither do I think, from the low situation of the country, that it would tend to increase the produce of their estates. The proprietors have not attended to the making of embankments, from the great expense they would incur by it. To make the embankments efficient would, in some of the estates, require more than the annual rent they at present yield; should, however, embankments he made, they would greatly improve the value of the lands.

11.—Have the proprietors of lands conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land in general, previously to the conclusion of

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that settlement; and is the situation and condition of the ryots, or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

The proprietors in general have behaved with greater moderation towards their ryots; who, for the most part, are so well acquainted with the protection afforded them by the Regulations, that, were the landholders inclined, there are but few instances in which they could oppress them. Their situation is consequently rendered more comfortable than previous to the formation of the Decennial Settlement.

12.—What is the state of the roads in your district? Are there any parts of the district, the making of roads through which would be particularly beneficial to the country, and what would be the expense attending the works?

Where the country is not subjected to inundations, the old causeways have been kept in tolerable repair; but in low situations they are in a very bad state; so much so, that in many places, there are scarcely any vestiges of a road. There is one road to Dinagepore, which, from the last heavy rains, is a little out of repair; besides which, there are two or three roads leading to the different indigo factories, made also by the prisoners, under the superintendance of the gentlemen to whom the factories belong, in a very good state of repair. The roads which I would recommend to be made, as essentially requisite, are, in the first instance, one from Cooch Behar to Rungpore, by way of Mogulhaut. The computed distance between Cooch Behar, and Mogulhaut, is 26 miles, and from thence to Rungpore 24 miles; in all 50. Admitting 250 prisoners, with the assistance of 100 coolies, at the rate of rupees 128 per diem, to complete one mile; the sum required to make the road between this and Cooch Behar, would be sicca rupees 625. The second road is to the military station of Deby Dobah, distant 52 miles, 30 of which is, from the high situation of the country, very good; the remainder may be completed at the same allowance per mile, amounting to sicca rupees 275. The third road is from the town of Rungepore to Gouind Gunge, distant 50 miles, which may be completed at the same rate per mile, amounting to sicca rupees 682. 8. The fourth road is to Chilmary, a place of great resort, distant 52 miles, which, during the rains, is impassable, from the old causeways having been entirely neglected, the expense of which would be sicca rupees 650. These calculations do not include bridges; instead of which I would recommend, that bridges of boats should be constructed over the large creeks and nullahs, which might, at the close of the rains, be removed, and the sides of the creeks and nullahs sloped, which would answer every purpose, and be but a trifling expense when compared with other descriptions of bridges. The roads being once formed, the landholders should be authorized to summon the attendance of the ryots, to make such repairs as may be necessary, which would be no hardship to them during the months of October and November, when they have little to do; and that either the Judge or Collector assisting, be deputed on the part of Government to report the state of the roads. The expense of labour, for making the roads above-mentioned, amounts to sicca rupees 2,262. 8. to which a trifling allowance must be made for bamboes and baskets for conveying the earth, and mats, bamboes, and twine, for temporary jails.

13.—What is the estimated number of the inhabitants of your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

The inhabitants of this district are computed at four lacs. The Mahomedans exceed the Hindoos, in what proportion cannot be ascertained.

14.—What are the most valuable articles of produce in your district; and has the cultivation of them particularly increased of late years? What is supposed to be the cause of that increase?

Sugar-cane and tobacco being the most lucrative to the cultivators, are the most valuable products of the district, and have greatly increased since the prohibition of opium, which was before the most valuable.

15.—Are the stamp duties becoming more productive; and what sum do you expect those duties will produce in your district, in the present year?

The stamp duties are becoming more productive. The receipts of last year were S.R^{s} 4,256. 4. and I expect will this year yield S.R^{s} 9,000, inclusive of the allowance granted to the Collector for the sale thereof.

16.—Are the abkaree collections increasing or decreasing?

The abkaree collections are decreasing, owing to the high rates at present assessed on them.

17.—Are there any articles in your district, on which a productive tax might be levied, without oppression to the people; name the articles, rate of tax, and the manner in which you would propose it to be levied?

I am of opinion that the re-establishment of the sayer would be productive of beneficial consequences both to Government and the country at large. The bazars and hauts are declining fast, for want of the protection which was formerly afforded while under the management of the zemindars, whose interest it was to guard the property brought into the markets; and in the event of the ryots not finding immediate sale for their articles, they were left under the care of the zemindars officers until the next market day: at present, they are often obliged to sell them at an under valuation, or return with them to their homes. I would therefore recommend, that the landholders be allowed to farm the markets of Government at the amount for which deductions were granted them in their engagements, making them responsible for any undue exaction, after a table of rates shall have been

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established. If, however, the re-establishment of the sayer on the gunges and hauts should not meet the approbation of Government, a duty of ½ per cent. on all exports of tobacco, sugar, sugar-candy and goor, mustard-seed, oil, and raw silk; and a duty of 2½ per cent. on coarse cloths and cotton might be levied by officers appointed for that purpose, at the principal places resorted to by merchants of the neighbouring districts.

18.—What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

The grants of lands in this district are of the description of Dewutter, Bermutter, Mohutterah, Peer Paul, Khanna Baurie, and Attar Budshare. The proportion which the produce of the rent-free lands bears to the jumma of lands paying revenue to Government is one-eighth, exclusive of Cooch Behar.

19.—Which of the description of lands are in the best cultivation; the rent-free lands, or the lands which pay revenue to Government?

The charity lands in Cooch Behar are in a far more flourishing state, while those in this district are equally so with the lands paying revenue to Government.

20.—What descriptions of old rupees are current in your district?

The 19 old sun Moorshedabad sicca, the French Arcot, and the Narraing rupees (the coinage of Cooch Behar) are current in this district.

21.—What is the reason that these rupees continue in circulation, and how are they replaced as they become worn and diminished in value; the 19 sun sicca rupees being the only description of rupees struck in the provinces, and that being the rupee in which the public revenue ought to be paid?

One reason for the 19 old sun Moorshedabad and the French Arcot rupees continuing in circulation, is their never having been wholly called in; another is, the advantages derived by the shroffs on the batta, which fluctuates from 2 to 4 per cent. on the Arcots, and from 1 to 1½ on the Moorshedabad old suns; and which are received at par in the interior parts of the district, in mercantile transactions. The amount of Arcot rupees in circulation in this district may be computed at 350,000, and the old 19 suns at about 300,000.

22.—What rules would you recommend to be adopted for the purpose of introducing the 19 sun sicca rupees into general circulation, and of rendering it advantageous to all persons to reject any other description of rupees?

With a view to prevent any other than the 19 sun sicca rupee being in general circulation, I would recommend that the landholders be permitted to pay their revenue into the public treasury in the specie collected on their estates, making good to Government any deficiency in weight. The advantages which such a measure would secure to the ryots, must ultimately be great. At present, for want of a sufficient number of the new milled siccas, a very considerable part of the rents are collected in the above-mentioned currency; exchanged by the shroffs at the discount of the day, and the difference made good by the ryots to their landlords. These rupees are bought by the merchants, and again circulated by them in the country, to the great detriment of the ryots.

23.—Do gold mohurs circulate in your district; to what extent, and do they pass at par, that is, for the value of 16 sicca rupees, when tendered for the purchase of goods; in payment of private debts and public demands, it is, of course, received at the rate which the law requires?

The annual average amount of gold mohur paid into the public treasury, is 28,000, and in constant circulation, about 30,000. They pass at par, in the purchase of goods, as well as in the payment of public and private debts.

24.—Has the establishment of the currency of the gold mohur in the interior of the country operated beneficially or otherwise?

The establishment of the gold mohurs has been beneficial to the traders and merchants, but not so to the lower class of people, from their poverty, and the difficulty they meet in exchanging them for smaller coins.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of lands held exempt from the payment of revenue?

The Quinquennial Register of lands paying revenue to Government, account 1202 B.S. has been prepared, and submitted to the Board of Revenue; the account 1197 B. S. is now in readiness, and the draught account, 1207 B. S. is also prepared, but has not been transcribed, the establishment of one native clerk being inadequate to the discharge of the current business. I expect this register also will be furnished in the course of a month, together with the general Pergunnah Register directed to be prepared under Section 4, Regulation VIII. A. D. 1800. The Quinquennial Register of lands held exempt from the payment of revenue still remains incomplete; the period for the registry and receipt of grants specified in Section 19 of the above-mentioned Regulation not having expired, and the grantees availing themselves of it.

26.—What description of persons are in general the purchasers of the lands disposed of by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

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The description of persons by whom lands have been purchased are, the dependents of landholders, the dependents of Europeans, servants of the judicial and criminal courts, some, but very few ryots, and a few zemindars. Many of the purchasers have attended more to the improvement of their estates than the former proprietors.

27.—Are you of opinion that any of the proprietors of lands in your district would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma); and how many years purchase do you suppose the proprietors would offer for such remission?

I am of opinion that very few would purchase the permanent remission of any part of the fixed revenue, and those few would not give more than three or four years purchase. The only persons who are sufficiently affluent in this district to purchase remissions, are the Rajah of Cooch Behar, and the zemindars of Bahaibund and Pattledeo.

28.—What is your opinion as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question, (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

In the event of the disposal of a portion of the jumma, as above-mentioned, I do not think it would be productive of beneficial improvement to the country, as the landholders obtaining remissions would be too apt to indulge their native indolence, become inattentive to their own interest, and by allowing the ryots to fall into arrears, incur great losses, which would, by the adoption of rigorous measures, be rendered irrecoverable, as a general desertion of the ryots would ensue.

Rungpore, 6th January 1802.

(Signed) *Alexr Wright*, Collector.

(Shahabad.)

To GEORGE DOWDESWELL, Esq.

Secretary to the Government, Revenue and Judicial Department.

SIR,

IN obedience to the orders contained in Mr. Secretary Edmonstone's Letter of the 21st ultimo, I have the honour to submit Answers to the Queries therein inclosed, for the consideration of the Honourable the Vice President in Council.

I have the honour to be, Sir,
Your most obedient humble servant,

Shahabad, 20 Nov. 18101.

(Signed) *J. Deane*, Collector.

1.—Are the crops of the present year expected to be productive?

The crops of the present year are expected to be very productive.

2.—What is the amount of the balances outstanding in your district on account of the past year; and what is the state of the collections for the present year?

The balances of this district for the past year amount to S.R^{s} 32,519. 7. 17. The balances of the present year is S.R^{s} 47,318. 1. 5.

3.—What is the amount of the jumma of the lands which have been or are expected to be sold in your district for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

The amount of the jumma of the lands which have been sold for the balances of the present year is S.R^{s} 13,657, that of the lands expected to be sold on the same account is S.R^{s} 32,800. The lands disposed of have sold at a favourable price.

4.—Are the existing Regulations for collecting the revenue of Government, from the zemindars and other proprietors of lands with whom a permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without, at the same time, affecting the security or value of landed property?

They are well calculated to secure the punctual collection of the public revenue, without, at the same time, affecting the security or value of landed property.

5.—Are the existing Regulations for collecting the revenue of Government, from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

They are.

6.—Are the existing Regulations for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rent from their under farmers and from their ryots, well calculated for the

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purposes intended, without, at the same time, affording to the proprietors and farmers of land, the means of oppressing their under farmers and ryots?

They probably are not.

7.—When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

I was appointed Collector of this district in September 1797. Its cultivation has been improved and extended, since the first year of the Decennial Settlement, very considerably. The proportion which the uncultivated land now bears to the cultivated is as one to four, exclusive of the hills which form the southern boundary.

8.—Do the proprietors of estates, in general, derive a profit exceeding the ten per cent. on the jumma, the profit estimated to be left to them on the conclusion of the Decennial Settlement?

The proprietors of estates, in general, derive a profit on the jumma, which may, I think, be estimated at least at 40 per cent.

9.—What is the present state of the reservoirs in your district?

The reservoirs are, at present, in a state of extreme decay.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

Generally speaking, they do not.

11.—Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land, in general, previously to the conclusion of that settlement; and is the situation and condition of the ryots or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

The proprietors of land conduct themselves, from necessity, with more moderation, but not with greater attention to the principles of good faith, in their transactions with their ryots, since the settlement, than before. The situation of the ryots, or immediate cultivators, is as comfortable as can be expected.

12.—What is the state of the roads in your district? Are there any parts of the district, the making of roads through which would be particularly beneficial to the country, and what would be the expense attending the work?

The state of the roads in this district is very good. Roads leading to the several ghauts, on the banks of the Ganges, would be highly beneficial to the country. The expense may be estimated at 1,000 rupees per mile.

13.—What is the estimated number of the inhabitants of your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

I have no accurate data whereon to estimate the number of inhabitants; but suppose the population to amount to two millions at least. The proportion of Mahomedans to Hindoos I conceive to be one-twentieth.

14.—What are the most valuable articles of produce in your district; and has the cultivation of them particularly increased of late years? What is supposed to be the cause of that increase?

The most valuable articles of produce in this district are opium, tobacco, cotton, sugar, indigo, and hemp. Their cultivation (excepting sugar) is greatly increased; owing chiefly to increased population, a long peace, and the more general employment of large capitals in trade, which were formerly vested in landed securities.

15.—Are the stamp duties becoming more productive; and what sum do you expect those duties will produce in your district, in the present year?

The stamp duties are becoming more productive; I estimate the amount of the present year's receipts at sicca rupees 12,000.

16.—Are the abkarry collections increasing or decreasing?

The abkarry collections are increasing.

17.—Are there any articles in your district on which a productive tax might be levied without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

The most productive tax which appears to me free from the objection of oppressing the people, is a tax on horned cattle, at the rate of two annas per head per annum, to be collected by the Collector for a commission of five per cent.

18.—What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

The descriptions of rent-free lands are those specified in the Regulations of Government. I have not yet had leisure sufficient to ascertain what proportion their produce bears to the jumma of the lands which pay revenue to Government.

19.—Which

19.—Which of these descriptions of lands are, in general, in the best state of cultivation, the rent-free lands, or the lands which pay revenue to Government?

The lands which pay revenue to Government, are indisputably in the best state of cultivation.

Shahabad, 20 November 1801.

20.—What descriptions of old rupees are current in your district?

The old rupee generally current throughout this district, is the Benares 17 sun sicca rupee.

21.—What is the reason that these rupees continue in circulation, and how are they replaced as they become worn and diminished in value; the 19 sun sicca rupee being the only description of rupee struck, in which the public revenue ought to be paid?

The reason why this rupee continues in circulation, is, as I am informed, that the superior intrinsic value of the 19 sun sicca, struck in the provinces, affords a considerable profit in recoining into the 17 sun sicca struck at Benares. From the Benares mint they are replaced. The public revenue is payable in gold.

22.—What rules would you recommend to be adopted for the purpose of introducing the 19 sun sicca rupees into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee?

For the purpose of introducing the 19 sun sicca rupee into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee, I would recommend that the Benares mint be put a stop to, or the intrinsic value of the 19 sun sicca reduced.

23.—Do gold mohurs circulate in your district, and to what extent; and do they pass at par, that is, for the value of 16 sicca rupees when tendered for the purchase of goods; in payment of private debts and public demands, it is of course received at the rate which the law requires?

Gold mohurs do circulate in this district. It is not very easy to say, to what extent. They do not pass at par when tendered for the purchase of goods.

24.—Has the establishment of the currency of the gold mohur, in the interior of the country, operated beneficially or otherwise?

The currency of the gold mohur has been highly beneficial.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands held exempt from the payment of revenue?

Copies of the Quinquennial Register of lands paying revenue to Government have been completed. Little progress has been made in the Register of the lands held exempt from the payment of revenue in this district.

26.—What descriptions of persons are, in general, purchasers of the lands disposed of by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

Zemindars residing in the district, are principally the purchasers of lands at public sales. Their system in their new purchases does not vary from that in their former possessions.

27.—Are you of opinion, that any of the proprietors of the lands in your district, would purchase of Government the permant remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per-cent. of that jumma); and how many years purchase do you suppose the proprietors would offer for such remission?

I doubt much if any of the proprietors of land in this district, would purchase of Government the permanent remission of the fixed jumma assessed on their lands. If any such should be found, I conceive, the utmost extent of their offers would not exceed two years amount of their jumma.

28.—What is your opinion as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

The result of such a measure, would, I conceive, be detrimental, as may be inferred from the present state of the lakheraje lands. The natural indolence of the people seems to require some powerful incitement to exertion, independent of pecuniary advantage.

Shahabad, 20th Nov. 1801.

(Signed) *J. Deane*, Coll^r.

No. 1.—part 2.

Answers by the COLLECTORS.

(Zillah Sarun.)

To N. B. EDMONSTONE, Esq. Secretary to Government.

Zillah Sarun, 30 December 1801.

SIR,

I HAVE the honour to enclose my Answers to the Governor General's Interrogatories, which I request you will lay before his Lordship.

I have the honour to be, Sir,
Your most obedient servant,
(Signed) *J. R. Elphinstone*,
Coll^r.

Zillah Sarun,
30th Dec. 1801.

QUESTIONS.—1.—Are the crops of the present year expected to be productive?

ANSWERS.—The crops of the present year, I have every reason to believe, will be exceedingly productive.

2.—What is the amount of the balances outstanding in your district on account of the past year, and what is the state of the collections for the present?

The balances outstanding in this district for the last year, 1208 F. S. amount to S.R^s 5,000, but I have every hope of realizing the whole in the course of a month; the revenue of the present year is, in general, regularly paid.

3.—What is the amount of the jumma of the lands which have been or are expected to be sold in your district, for realizing the balances of the past year, and have the lands disposed of, sold at a favourable price or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

The amount of the jumma of the only lands which have been or will be sold, is 1,517 R^s. The lands have sold very favourably.

4.—Are the existing Regulations for collecting the revenue of Government from the zemindars and other proprietors of land, with whom a permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without, at the same time, affecting the security or value of landed property?

The Regulations, in my opinion, are perfectly well calculated to secure the collection of the public revenue, without, in the least degree, affecting the security of landed property.

5.—Are the existing Regulations for collecting the revenue of Government from persons holding lands in farm immediately from Government, calculated to secure the punctual collections of the public revenue from the farmers?

The Regulations for collecting the revenue from farmers, are, I think, very well calculated to secure the punctual collection of the revenue.

6.—Are the existing Regulations for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers, and from their ryots, well calculated for the purpose intended, without, at the same time, affording to the proprietors and farmers of land, the means of oppressing their under farmers and ryots?

The Regulations for enabling zemindars and farmers, &c. to realize their rents from their under farmers, &c. are, in my opinion, perfectly well calculated for the purposes intended, without affording them the means of oppressing their under farmers and ryots.

7.—When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district, now bears to the cultivated land?

I was appointed Collector of this district on the 16th March 1801. The cultivation, in my opinion, has certainly been improved and extended very much since the first year of the Decennial Settlement; I should suppose where 60 biggahs in 100 were in cultivation formerly, that 80 or more is now in that state.

8.—Do the proprietors of estates, in general, derive a profit of ten per cent. on the jumma; the profit estimated to be left to them on the conclusion of the Decennial Settlement?

I am of opinion that the proprietors, in general, derive much more than ten per cent. on the jumma, with the exception of a few in pergunnah Cusmur, whose lands have suffered by the encroachment and overflowing of the rivers.

9.—What is the present state of the reservoirs and embankments in your district?

The reservoirs are, in general, in good order; the embankments are chiefly in the pergunnahs of Goah, Muckair, Sepah, Dunsgsee, Nurhun, and Cusmur, and will require some repair before the setting in of the rainy season.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates by the making of embankments, digging tanks, and establishing such other works as are calculated to increase the produce of their land?

The zemindars, for the most part, look only to what advantages they can immediately derive from their estates, and it very rarely occurs that any of them endeavour to improve them for the benefit of their posterity; there are, however, some instances where the proprietors

prietors of land have raised embankments at their own expense, and have thereby rendered their estates more productive by preserving their crops from inundation.

11.—Have the proprietors of lands conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land previously to the conclusion of that settlement; and is the situation and condition of the ryots or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

The proprietors of lands, in my opinion, have certainly conducted themselves with more moderation to their ryots, &c. since the conclusion of the Decennial Settlement; and I am convinced that the situation and condition of the ryots and cultivators of the soil, is, in every respect, more comfortable than it formerly was.

12.—What is the state of the roads in your district? Are there any parts of the district, the making of roads through which would be particularly beneficial to the country; and what would be the expense attending the work?

The roads in this district (except those in the vicinity of Cheeprah, which are annually kept repaired by the Magistrate) are in a very bad state, being scarcely any thing more than paths leading from one village to another. The merchants who trade from the eastward to Benares, Oude, and Napaul, would certainly derive great benefit if some roads were made and kept in proper order; namely, from Hadgeepore to the Dewah river, from Chuprah to the frontiers of Napaul, and from Mehesy to Durouly. The roads could be established and kept in repair with a very little trouble and at a trifling expense, without subjecting Government to any charge; as the zemindars ever have been, and still are, bound by their engagements to repair and maintain the roads in their respective zemindarries.

13.—What is the estimated number of inhabitants in your district; and what proportion is it supposed the Mahomedans do bear to the Hindoos.

From records in my office, the estimated number of inhabitants in this district amounts to nearly 1,204,000; of which, I suppose, not more than one-fourth are Mahomedans.

14.—What are the most valuable articles of production in your district, and has the cultivation of them particularly increased of late years; what is supposed to be the cause of that increase?

The most valuable articles produced in this district, are opium, tobacco, saltpetre, barley, wheat, flax, peas, linseed, and a small quantity of cotton; the poppy has increased within these last three or four years, owing in a great measure to the activity of the agent.

15.—Are the stamp duties becoming more productive; and what sum do you expect those duties will produce in your district, in the present year?

The stamp duties, I do not think are increasing. I expect they will produce about 9,000 R^s this year.

16.—Are the abkarry collections increasing, or decreasing?

The abkarry collections were, last year, 47,000 rupees. I expect them to be near 60,000 this year.

17.—Are there are any articles in your district on which a productive tax might be levied, without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

There are no articles produced in this district, on which, in my opinion, any tax could be levied.

18.—What are the descriptions of rent-free lands in your district; what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

There are eight descriptions of rent free lands in this district; namely, Aymah, Alkungall, Muddud Maash, Jaghier, Bishenpreet, Burmotur, Sershekun. The proportion of rent-free land is, I imagine, ten biggahs in the hundred.

19.—Which of these descriptions of lands are, in general, in the best state of cultivation; the rent free lands, or the lands which pay revenue to Government?

The lands which pay revenue to Government are, in my opinion, in the best state of cultivation.

20.—What description of old rupees are current in your district?

There are six descriptions of rupees at present current in this district; 1st. folea, the 8th and 9th sun, which is almost equal to the 19 sun, this was the rupee formerly current throughout the whole of this district. 2d. The milled rupee, in which the revenue is paid. 3d. The old 19 sun. 4th. The Moorshedabad 11th and 12th sun. 5th. sonats. And, 6th. The becce.

21.—What is the reason that these rupees continue in circulation, and how are they replaced as they become worn and diminished in value; the 19th sun sicca rupee being the only description of rupee struck in the provinces, and that being the rupee in which the public revenue ought to be paid.

The 19th sun milled sicca rupees and gold mohurs are the only coins in which the revenues of Government are received; but these coins are rarely to be met with in the country;

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country; those mentioned in my Answer to the last Question being the only ones in circulation; all the new rupees and gold mohurs being exclusively in the hands of the bankers. The zemindar receives his rents from the farmers and cultivators in the old rupees above mentioned, which he forwards to his agent at Chuprah, who exchanges them at an arbitrary batta with the bankers for the new rupees, with which he pays his revenue into the treasury. The merchants, who purchase grain, &c. from the cultivators, pay for the different articles with the old rupees, which are by these means kept up in constant circulation. The bankers also, when any zemindar or other person requires loans, make their advances in old rupees, though they take particular care to specify the new ones in the bond. It is also reported, but with what degree of accuracy I cannot take upon myself to determine, that the bankers transmitted large quantities of new rupees and gold mohurs, as they received them from the mint, to Benares, where they were recoined, and from thence again to the mint at Lucnow, by which mode they obtained considerable profit. If this circumstance is really true, it will easily account for the scarcity of the new coin in the Behar province.

22.—What rules would you recommend to be adopted for the purpose of introducing the 19th sun sicca rupee into general circulation, and rendering it advantageous to all persons to reject any other descriptions of rupees?

The only mode which at present occurs to me of reducing the quantity of old rupees now in circulation, and of introducing the new rupees as the sole coin of the country, would be for Government to receive them in the payment of the revenues, at a fair and reasonable exchange, equal to the real value of the coin to be received; and these old rupees should not again be issued from the treasury, but be forwarded to the mint to be recoined. This method would certainly require considerable time, but in the end it would tend to reduce, if not entirely to destroy, the old coinage. It would also afford great relief to the landholders, as they would not be obliged to pay so heavy a batta to the bankers, who now levy it at an arbitrary rate, according to their own pleasure. The exportation also, and destruction of the coin in making ornaments, plate, &c. should be strictly prohibited.

23.—Do gold mohurs circulate in your district; to what extent; and do they pass at par, that is, for the value of 16 rupees when tendered for the purchase of goods; in payment of private debts and public demands, it is of course received at the rate which the law requires?

Gold mohurs are not in general circulation, except in some of the large towns; but are principally monopolized by the bankers for the payment of the public revenue. They are received by individuals, in general, at the public value of 16 rupees; but the bankers levy a batta on the exchange, which however, at present, is very trifling.

24.—Has the establishment of the currency of the gold mohurs, in the interior of the country, operated beneficially or otherwise?

Gold mohurs are scarcely ever to be met with in the interior parts of the country, being principally monopolized by the bankers and other wealthy people. Were this coin in general circulation, it would certainly be beneficial.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands exempt from the payment of revenue?

The Quinquennial Register of the lands paying revenue to Government, is in a state of forwardness; that of the lands exempt from the payment of revenue, is more than half finished.

26.—What descriptions of persons are, in general, the purchasers of the lands disposed of by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

The persons who have, in general, purchased lands at the sales in this district, are zemindars, bankers and native officers of the army. In many instances I think the system of management of those purchasers are better calculated to improve their estates, than that of the former proprietors.

27.—Are you of opinion that any of the proprietors of land in your district, would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma) and how many years purchase do you suppose the proprietors would offer for such remission?

I should doubt very much if any of the zemindars in this district, would be induced to make the purchase herein mentioned, or if indeed any of them could afford to advance the sum that would be required to purchase the remission of any part of their present jumma. The zemindars in general, endeavour to reap the greatest present advantages from the produce of their estates, without consulting the benefit of their successors; when they have accumulated a considerable sum of money they squander it in the marriage of some of their children; and a great many of them, though the settlement has for the most part been made with them on very easy terms, are, from these circumstances, obliged to borrow from their bankers to pay their instalments of revenue.

28th.—What is your opinion as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question (supposing the arrangement

arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

This district is in a very high state of cultivation; and I do not conceive that any great improvement would arise from adopting this arrangement, even supposing it possible to carry it into effect.

Zillah Sarun, 30th December 1801.

(Signed) *J. R. Elphinstone*, Collector.

Sylhet, 19 December 1801.

(Sylhet.)

To his Excellency the Most Noble RICHARD Marquis WELLESLEY, K.P. Captain General and Governor General in India, &c. &c. &c. Allahabad.

My Lord,

IN consequence of an injunction received from the Secretary to the Government in the Revenue and Judicial Departments, under date 3d instant, I have the honour to submit to your Lordship Copy of my Reply to certain Interrogatories transmitted to me, regarding the internal state of the country, which was forwarded on the 12th instant to the Honourable the Vice President in Council.

I have the honour to be,
My Lord,
Your Lordship's most obedient and humble servant,

Sylliet, 19th December 1801.

(Signed) *Jn° Ahmuty*, Collector.

To GEORGE DOWDESWELL, Esq.

Secretary to the Government in the Revenue and Judicial Departments, Fort William.

Sir,

I HAVE the honour to acknowledge the receipt of your Letter, under date 29th of October last, transmitting a Copy of certain Interrogatories, prepared with the view of obtaining accurate and authentic information, regarding the internal state of the country; and in reply beg leave to submit the under-mentioned Answers to the several points noticed in them, agreeably to the order of the different paragraphs, accompanied with an Appendix, containing such statements and papers to which references are made in the course of this Report.

1.—Are the crops of the present year expected to be productive?

The present harvest is considered by the inhabitants, to be the most abundant which they have seen for these three years past, as will appear from the accompanying Copy of my Report upon the state of the crops to the Board of Revenue. Vide Appendix, No. 1.

2.—What is the amount of the balances outstanding in your district on account of the past year; and what is the state of the collections for the present year?

In reply to this Interrogatory, two Statements (Nos. 1. & 3.) are herewith transmitted, drawn out to the 30th ultimo, which afford me the pleasing satisfaction to say, that the balances of the past were realized in the early part of the current year, conformably to the injunctions contained in Regulation 1st, of 1801; and that the revenues of the present year have been hitherto collected with more general punctuality and less trouble and vexation than those of any of the preceding years; for the difficulties attending the collection of one cawn in this district, are more than equal to that of one sicca rupee in any other, from the litigious disposition of the petty talookdars.

3.—What is the amount of the jumma of the lands which have been or are expected to be sold in your district, for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

1. The accompanying Statement, No. 4. will give the information required in the first part of this Interrogatory. With respect to the conclusion, I am sorry to intimate, that the lands which have been disposed of, sold in general at a very unfavourable price; that is to say, for little more than one year's purchase; and indeed a number of the petty talooks, when exposed for sale, did not even meet with purchasers.

2. This unfavourableness of the sales, as far as my knowledge extends, is to be ascribed chiefly to the causes explained in the accompanying Copies and Extracts of my Correspondence with the Board of Revenue, marked No. 5. in the Appendix, which are equally applicable to the lands which have proved unsaleable.

3. The greatest portions of such talooks, as are ultimately exposed for sale, being not only small but unproductive, holds out scarcely any inducement to individuals of note or property, who possess the means of improving such estates, to become purchasers, whilst the indigence of the lower classes of people precludes them from offering any favourable price for such lands; hence there is little or no competition at the public sales, except in cases where the estate is considerable or productive.

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4. The population of this district not being equal to its extent and cultivation, the ryots in general are of the description denominated Pycausht, who, from their habits of cultivating the lands of several talookdars at one time, in such quantities as their convenience or circumstances permit them, are not considered as being attached exclusively to any particular estate. The improvement, therefore, of the petty talooks, must depend in a great measure upon the encouragement which is likely to be afforded by the proprietors to such ryots, who are not actually residents on their estates, and who are bound by no specific engagements to till their lands longer than it is agreeable to themselves; hence, in cases where any disagreements ensue between the proprietors, their paithee surreeks or mofussil copartners, and the ryots, the latter, as soon as the harvest is over, and they have discharged their rents agreeably to their engagements, if they have executed any, which is seldom the case, if not, according to the Sherréh or Nerickbundee of the pergunnah after a survey or actual measurement, which is the established custom, make no hesitation in abandoning the lands of such talookdar, and retiring to those of another; in consequence of which, the estate remains uncultivated in the ensuing year, unless timely measures be taken by the proprietor to procure other ryots.

5. In short, all those estates which fall into balance annually, and are exposed for sale, are in most cases in a declining and unproductive condition, owing principally to these three causes; viz. the misconduct and bad management of the proprietors, to improper and illegal alienations of portions of their estates formerly made, and to the irreconcileable feuds and dissentions which prevail amongst the mofussil copartners, who abound in almost every talook, be it ever so small.

4.—Are the existing Regulations for collecting the revenue of Government, from the zemindars and other proprietors of lands with whom a permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without, at the same time, affecting the security or value of landed property?

1. Considering the mild system of Government which has been adopted towards the inhabitants of the British dominions in India, far different from that despotism to which they had been formerly accustomed, the existing Regulations for collecting the public revenue are as well calculated as any that could be devised, upon the same principles of jurisprudence, to answer the intended purpose, without absolutely resorting to coercive measures.

2. But I am at the same time of opinion, that if a discretionary power were vested in the Collectors to confine the persons likewise of defaulters, in such cases where the measure might appear to them more conducive to the recovery of the public dues than by an attachment alone of their lands, agreeably to the rule laid down in Regulation 14th, of 1793, now rescinded, the annual balances would be considerably reduced, and the punctual discharge of the public revenue much better secured. In making use of such power, strict attention should be paid to the rank, character, and circumstances in life of the defaulter, and a proper discrimination made between a low litigious petty talookdar, who has neither credit or reputation to lose, and a respectable zemindar, who might suffer disgrace by the act. The fear of such a punishment would be productive of much beneficial effect among all descriptions of landholders.

3. The confinement of defaulters, after all their other property has been once disposed of, and when they are, it may be said, on the brink of starving, as at present practised, has never been attended, in this district, with any consequences advantageous to the public service. I have therefore avoided as much as possible, on such occasions, to put Government to the useless expense of feeding the Sylhet talookdars in jail, where they are more disposed to remain than to quit; since, in the latter event, the means of their future livelihood must depend entirely upon their future industry and exertions.

5.—Are the existing Regulations for collecting the revenue of Government, from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

More so than the Regulations for collecting the revenue from landholders of the description mentioned in the preceding Interrogatory, because the property of the farmers is not only liable to be attached and ultimately sold, but their persons and those of their sureties are equally liable to be seized and confined at all times, for the due realization of the public revenue.

6.—Are the existing Regulations for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers and from their ryots, well calculated for the purposes intended, without, at the same time, affording to the proprietors and farmers of land the means of oppressing their under farmers and ryots.

I am of opinion that they are. Some partial oppressions may be committed by the landholders in distraining the effects and crops of their under-tenants, but in such cases the road to obtain reparation is always open to the latter.

7.—When were you appointed Collector of the district, and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

1. I was appointed Collector of this district, on the 14th of July 1797. The cultivation of it,

it, as far as I have been able to ascertain it from the reports of the Putwarries, has been much extended since the first year of the Decennial Settlement; but whilst the jungle and waste lands are cleared and brought into cultivation on one side, the arable and already cultivated lands on the other, have been in many instances neglected, owing as I have before observed, to the immense number of petty talooks into which this district is divided, and to the population not being equal to its extent and cultivation. Ryots therefore must abandon one land to cultivate another; and the advantages which such undertakings offer, and the facility with which the jungles (being mostly of cograh reed) may be cleared, operate as strong inducements with them.

2. The proportion of lands brought into cultivation since the formation of the permanent settlement may be one-third more than the quantity which was in cultivation at that period, but still there cannot be less than two-third parts of this district in an uncultivated and waste state.

8.—Do the proprietors of estates, in general, derive a profit exceeding the 10 per cent. on the jumma, the profit estimated to be left to them on the conclusion of the Decennial Settlement?

In general the proprietors do, and there are many who derive a profit of more than one hundred per cent.! There are, of course, some exceptions.

9.—What is the present state of the embankments in your district?

1. In the past year, the embankments in this district, extending from Boordasyl to Diglee, a distance of about 48 coss, were put in as excellent a state of repair as the advanced season of the year latterly permitted. The rains having set in earlier than usual, compelled me to leave some part of the bunds unfinished; and, during the last rainy season, the newly erected embankments have, in many places, settled, which will require raising, at least two feet.

2. From the active steps which have been taken, the repairs of the present season, when completed, will, I trust, put the bunds in such a condition, as not only to lessen any future charges on that account, but also to be able to resist any inundations which may hereafter occur, if they be not uncommonly violent; it being my intention to strengthen, as much as possible, the sides of the new embankments with mats and bamboos, in addition to turfing, which answered so fully in the past rainy season.

3. The numerous breaches which are annually made in the bunds, originate, in almost every instance, in the ryots cutting small drains, when the river begins to rise, in order to admit the waters for agricultural purposes, which they neglect afterwards to stop up, when no longer required. Under these circumstances, any sudden rise of the river, after the fall of heavy rains in the mountains, which is often the case, creates such an impetuous and rapid current, as to force passages through all these openings; which, when once enlarged, cannot be stopped up again or repaired, till the return of the dry season. It is impossible, considering the extent of the bunds, to prevent such acts on the part of the ryots, without entertaining a fixed establishment of overseers; and, to prevent it effectually, might be attended with much inconvenience, since the ryots are obliged to prepare their ground, at a time when a sufficient quantity of water can only be supplied from the river.

4. I feel some satisfaction in reflecting, that the abundance of the present harvest is to be attributed, in a great measure, to the state of the bunds, during the past rainy season.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works, as are calculated to increase the produce of their lands?

The zemindars of Turruff are the only landholders, to the best of my knowledge, who make it a practice of erecting embankments and digging tanks at their own expense; but, in the other parts of the district, works of such public utility, particularly the former, which are more required, are entirely neglected, owing to a want of unanimity and good faith amongst the proprietors.

In many purgunnahs, such as Etah, Shemsheernagur and Allynegur, which border on the hills where the torrents are so liable to rise suddenly, and inundate the adjacent country, the erection of embankments would be attended with much general benefit; the expense would not be considerable, if the proprietors would all agree and contribute towards it, in proportion to the extent of their respective estates: but notwithstanding that every encouragement has been afforded; notwithstanding that I deputed an aumeen two years ago to make an estimate jointly with the proprietors, of the expense which would be incurred, I found it an impracticable task to unite them in the construction of a work, which promised such mutual advantages, and in which the interest of every landholder of those three pergunnahs was equally concerned.

As more is to be apprehended from an excessive fall, than a want of rain in this district, the digging of tanks for agricultural purposes, does not become an object of so great an importance.

11.—Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land, in general, previously to the conclusion of that settlement; and is the situation and condition of the ryots, or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

Yes,

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Yes, they have; and the situation and condition of the ryots are become as comfortable, and more independent, than could have been expected, when it is considered what power the zemindars formerly possessed over them, and how cruelly they were accustomed to exercise it. In short, of all classes of people, the immediate cultivators of the soil have alone derived the greatest benefit and advantage from the existing Revenue Regulations of Government; and as long as they discharge their rents punctually, they have nothing to fear from the oppression or avarice of the zemindar.

12.—What is the state of the roads in your district? Are there any parts of the district, the making of roads through which would be beneficial to the country, and what would be the expense attending the work?

In reply to this Interrogatory, permit me to refer you to my former Report on the same subject, under date 12th of July 1800, in consequence of the orders of Government, under date 1st May 1800, communicated to me by the Board of Revenue, in their Secretary's Letter, under date 9th of May 1800.

13.—What is the estimated number of the inhabitants of your district, and what proportion is it supposed the Mahomedans bear to the Hindoos?

An Estimate of the population of this district, as well as the proportion which it is supposed the Mahomedans bear to the Hindoos, will be found in the Appendix, No. 6.

14.—What are the most valuable articles of produce in your district; and has the cultivation of them particularly increased of late years? What is supposed to be the cause of that increase?

The produce of this district, owing to the lowness of the grounds, and the swampy nature of the country, is principally paddy; but the most valuable articles among the produce of the land are cotton and sugar-cane; the former is cultivated upon the hills, and the latter on the elevated grounds in the different pergunnahs. The cultivation of cotton, however, has of late diminished, in consequence of the refractory and predatory conduct of the Rookies, a race of savage mountaineers, who inhabit the interior parts of the Tipperah and Cachar hills, and who make frequent incursions, to the great annoyance of the cultivators. As the Sylhet hills are attached to the same range, they can suddenly appear and cut off those whom they find upon them, unless the cultivators go in large bodies; and then retreat to their inaccessible haunts, where it is impossible to pursue them. The cultivation of cotton, therefore, is now chiefly confined to the hills situated more immediately within the district. In the past year, I am given to understand, that 18 persons were destroyed by them. The cultivation of sugar-cane has been of late greatly extended, owing, I believe, to the increased demand for sugar.

15.—Are the stamp duties becoming more productive; and what sum do you expect those duties will produce in your district, in the present year?

1. The stamp duties are becoming more productive than they were when first established, a convincing proof of the impossibility of checking the litigious disposition of the natives.

2. The sum which it is estimated these duties will produce, in the current year, amounts, at the lowest calculation, to sicca rupees 5,295, as particularized in Statement No. 7. in the Appendix.

16.—Are the abkarry collections increasing or decreasing?

The produce from the abkarry mehal is much decreased. In fact, not a single licence for distilleries has been renewed in the current year, owing to the high rates of tax prescribed by the existing Regulations, and to the confined consumption of spirituous liquors in this district.

17.—Are there any articles in your district on which a productive tax might be levied without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

Regulations 10th and 11th, of 1801, have enumerated every article of produce, which could, with propriety be taxed; I am not at present aware of any other article, being the produce of the country, upon which a duty could be proposed to be levied. A plan, however, for forming a registry of boats of every denomination in this district, and for the proprietors to pay an annual tax in proportion to the size of the boat, having been suggested to me by an European who has been long resident at this place; and the proposition, whether viewed in a political or financial light, appearing to me deserving of some attention, I shall take the liberty of submitting briefly the outlines thereof, for the consideration of Government.

It is proposed, that a general register shall be kept of every boat, large or small, in this district, with the exception of such dingees as are employed by ryots and other immediate cultivators of the soil for agricultural purposes.

That the zemindars and talookdars of every pergunnah should be obliged, in conjunction with an officer of Government appointed for that purpose, to take an account of every boat, barowtee, dingee, &c. their different burden, the names of the owners, and the place of residence within their estates respectively.

That previous to any new boat being launched, the proprietors should enter it in the register of the pergunnah where it is building; and, in the event of its being transferred by sale, gift, &c. due notice should be given, to facilitate the collection of the tax from the new owner.

That upon every boat being registered, and every year subsequently, till the boat be destroyed,

or

or rendered unserviceable by age or otherwise, a certain tax shall be paid by the owners in proportion to the bulk of the boat, according to the tonnage specified in Statement, No. 8.

That after the expiration of the period fixed for the registry of such boats in each pergunnah, should any boat be found to be not entered, (which could be easily discoverable by such boat not bearing the registry mark, viz. its burden, number, and the names of the owner, pergunnah and zillah, to which it may appertain,) the boat shall be liable to confiscation, or the proprietor be compelled to forfeit a sum equal to the amount of three years tax, unless good and sufficient reasons be assigned for such omission.

That all boats of the size and description stated in Section 20th of Regulation XXII. of 1793, shall be excluded from such registry, and when discovered, destroyed upon the spot; rigourously enforcing the several clauses contained in the above section, as they may be found applicable to the case.

The execution of the above plan, I conceive, would not be attended with any insuperable difficulties or inconveniences. An Aumeen might, at first, be deputed into every pergunnah or grand division of the district, with instructions to take an account of the boats jointly with the proprietors of the land, and to form the registry within a given period; and the tax might subsequently be collected, with a trifling additional expense, by the tehseeldars appointed for the collection of the land revenue.

Any fraud which might be attempted to be practised by evasion or misstatement, with respect to the burden of the boat, would ultimately be discovered, and should subject the owner to suffer the same penalty as if he had wilfully omitted to register his boat.

The tehseeldars, tannadars munsiffs, all commissioners, all aumeens deputed into the Mofussil on public service, should be authorized to stop all boats which may be found unregistered, or in the predicament noticed above where fraud may be intended, and report the circumstances to the Sudder; liable, however, to be prosecuted in the Dewanny Adawlut for damages, should their proceedings subsequently appear vexatious, or their statement maliciously false.

The salt chokies, and those which may be established in consequence of Regulations X. and XI. of 1801, would operate as strong checks against any evasions or fraud on the part of owners of boats, by facilitating detection.

I am not aware, at present, of any material objections to the plan in question. It does not strike me, that the internal commerce of the country would in any respect be injured or diminished by its adoption, no more than by levying a duty upon the articles which the boat may contain. It might tend probably to increase the price of freight, and consequently the price of goods, but the whole weight in this event would ultimately fall upon the consumer; besides, the annual tax proposed to be levied upon boats is so trifling, as scarcely even to affect the price of freight or of goods: pinnaces, budgerows, and pleasure boats of all descriptions, are not to be exempted from the above tax.

In a financial point of view, the present plan promises to produce a large revenue, a part of which might be very justly and beneficially appropriated towards improving the general system of police of the country, which at present, is far from being efficient or complete. It is roughly estimated at from sicca rupees 40 to 50,000. per annum, in this district alone; a sketch of the above calculation will be found in Statement No. 9. in the Appendix.

It need not be observed, how much the adoption of the above plan would serve to answer the general purposes of police; if properly enforced, it would tend more effectually to put a stop to the perpetration of all kinds of dekoittee, than the severest penal laws, by facilitating the discovery of the haunts and lurking places of the dekoits. The zemindars, who are more or less concerned in all such depredations, would be deterred from permitting boats fit for such purposes to be built or harboured within their estates; besides, this plan whilst carrying into effect, would lead to the immediate detection and destruction of all boats calculated for dekoittee, which, although most rigidly proscribed by the existing Regulations of Government, still continue to be constructed and employed. In fact, every pergunnah has now its own dekoits.

I have endeavoured to compress as much as possible the outlines of the above plan, it being intended, at present, merely as a suggestion for the consideration of those who are better qualified than myself to judge of the propriety or eligibility of such a measure; but should it be deemed worthy of any attention, I shall be happy, hereafter, to afford such further information relative to the subject, as may be in my power.

18.—What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

The rent-free lands in this district, are generally of the description denominated Dewutter, Birmooter, Mudded Maash, Cherangee, &c. namely, held by grants *not badshahee*. It is calculated, that the produce of the rent-free lands bear a proportion of about one-fourth to the jumma of the lands which pay a revenue to Government.

19.—Which of those descriptions of lands are, in general, in the best state of cultivation; the rent-free lands, or the lands which pay revenue to Government?

The rent-free lands are undoubtedly not only the most productive, but in the best state of cultivation, owing to such lands having been originally of the best quality, (as they were granted for religious and charitable purposes) and to the general custom of the ryots paying *in kind*, instead of *in cash*; even in such instances where they do pay the rents in cash, the rates are much lower than those established for malguzarry lands: hence

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Answers by the COLLECTORS.

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the cultivation of rent-free lands holds out much greater advantages and encouragement to ryots, than that of malguzarry lands.

20.—What descriptions of old rupees are current in your district?

It may be said that sicca rupees, whether in gold or silver, are not the currency of this district, the revenues of which are collected *in cowries*, (with the exception of a small sum from pergunnah Turruff) and where all mercantile and other pecuniary transactions are carried on by means of those shells; within these three years, some sicca rupees have been introduced into circulation, but they are bought and sold as any other article of merchandize, and bear a high or low price, according to the demand, or state of the market.

There are a number of Arcot rupees also to be found in this district, which are so clipt and defaced, and so much reduced in weight, as to be considered in no other light than bullion. They are sold as such, and purchased by individuals with cowries, for the purposes of remittances, as there are no established houses of shroffs or bankers, who might receive cowries, and grant bills of exchange on Calcutta or Dacca. These rupees, when purchased, are sent to Dacca, and there disposed of as bullion for sicca rupees, whence they are ultimately dispatched by the shroffs and podars who purchase them, to the Calcutta mint, to be coined into 19 sun sicca rupees.

21.—What is the reason that these rupees continue in circulation, and how are they replaced as they become worn and diminished in value; the 19 sun sicca rupee being the only description of rupee struck in the provinces, and that being the rupee in which the public revenue ought to be paid?

Within these three years, since the introduction of sicca rupees into circulation, as noticed above, the number of Arcot rupees have greatly diminished; and I have reason to believe, that in two years hence they will entirely disappear, or at least, few will be found in this district. The principal cause of such rupees being imported from other places, and continuing so long in circulation, was the demand formerly for them. It was chiefly by means of Arcot rupees, which the contractor annually purchased, that he was enabled to make his remittances to Dacca, to answer the bills of exchange granted by him for the monthly balance of the treasury; but for the two past years, the contractor has made a practice of dispatching to Dacca the greatest part of the cowries received by him; which, by reducing the demand, has of course checked the importation.

I have understood that it has been found advantageous for individuals formerly to import sicca rupees into the province of Benares, and to have them recoined into Arcots; but as this information is not derived from any authentic source, it is given with diffidence. Arcot rupees are, I believe, likewise imported to Chittagong by the crews of vessels trading to the coast, and thence circulated to the eastern districts.

The old sicca rupees, viz. those not of 19 sun, denominated Bazar Chelteen sicca rupees, are scarcely seen at Sylhet; but at Dacca, where there are such considerable importations of every description of rupees, they still continue in circulation, from the advantages which the shroffs and podars there derive, by purchasing them at a great discount, and exchanging them for sicca rupees in gold or silver. Here again there is a batta between the gold and silver, according to the demand for the former. As long as the shroffs and podars, and, in short, all dealers in money, persevere in making a trade of the coinage of the country, and as long as there are other coins than the 19 sun sicca rupees, it will be in vain to attempt to confine the legal currency of the country to any one kind of specie.

22.—What rules would you recommend to be adopted for the purpose of introducing the 19 sun sicca rupee into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee?

I am not prepared, at present, to answer satisfactorily to this interrogatory; but I conceive that the re-establishment of a mint at Dacca for three or four years, in order to induce individuals, who will always look to their advantage, to carry thither all Arcot and other old rupees which they may possess, or be able to procure, in order to be coined into 19 sun siccas, in preference to submitting to the impositions at present practised by shroffs and podars, as well as the strict enforcement of the existing Regulations relative to the legal currency of the country, would tend, in a short time, to produce the desired effect; as it is a notorious fact, that within these eight years the circulation of such illegal rupees, especially Arcots, with which the country formerly abounded, have been greatly diminished.

23.—Do gold mohurs circulate in your district, to what extent, and do they pass at par; that is, for the value of 16 sicca rupees when tendered for the purchase of goods; in payment of private bills and public demands, it is of course received at the rate which the law requires?

The answers given to the three preceding interrogatories are also applicable to this.

24.—Has the establishment of the currency of the gold mohur, in the interior of the country, operated beneficially or otherwise?

The revenues of this district being paid in cowries, excepting those of pergunnah Turruff, and all mercantile transactions being carried on in these shells, as already observed, the circulation of gold mohurs is very much confined; but I am however of opinion, that it would have operated more beneficially in other zillahs, the revenues of which are paid in sicca rupees, if a stop could have been put to that constant drawback of batta between gold and silver, so destructive to the intrinsic value of the former.

25.—What

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Answers by the COLLECTORS.

Sylhet, 19 December 1801.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands held exempt from the payment of revenue?

The Quinquennial Register of lands paying revenue to Government, (No. 2.) commencing from 1202 B. S. as well as the register of intermediate mutations commencing from 1203, were completed and fairly transcribed some time ago; the former comprizing 26,472 estates, and the latter 1,284 separations; making altogether 27,756 independent estates.

Since the receipt of Regulation VIII. of 1800, both the Quinquennial and General pergunnah Registers have been commenced upon, and about 4,333 estates entered; in the execution of which arduous duty the record keepers and other mohirers, as far as their other avocations will permit, are constantly employed. In consequence of the uncommon number of estates, and the want of a separate establishment, the performance of the above task, as I have had occasion formerly to represent to the Board of Revenue, has become tedious, difficult, and peculiarly laborious.

Previously to the receipt of the regulations above noticed, the contents of such sunnuds as had been delivered in by holders of rent-free lands amounting to 489, in consequence of publications formerly issued for that purpose, had been entered in the Quinquennial Register of lands exempt from the payment of revenue, enjoined to be kept by Regulation XIX. of 1793.

In order that accurate information might be obtained respecting the particular situations of the rent-free lands, and the names and places of abode of the present proprietors, which indeed were very necessary preliminary measures, I thought it advisable to instruct the putwarries of the different pergunnahs to make proper enquires in the Mofussil, and to furnish me with the requisite accounts; as such information is obtained, I continue to issue the prescribed publications for a period of one year, for the production and registry of the sunnuds of the proprietors. Hitherto, no more sunnuds than those mentioned above have been delivered in; but I have every reason to expect that those individuals, in whose names the publications have been or may be issued, will produce their sunnuds and documents long before the expiration of the given period, and as they are delivered in, their contents shall be duly entered in the registers of rent-free lands, directed to be prepared by Regulation VIII. of 1800.

26.—What descriptions of persons are, in general, the purchasers of lands disposed of by public sale in your district; and is the system of management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

The lands sold at public auction are purchased promiscuously, by the chowdries of the pergunnahs in which the talooks are situated; by podars and merchants; and by other persons following some particular occupation, who have not entirely to depend for subsistence upon the produce of the estate purchased. The system of management pursued by them, appears certainly better calculated for the improvement of these estates, than the system of management of the former proprietors, who paid little or no attention to the improvement of their estates, and were generally in the habits of anticipating and appropriating the rents to their private uses: to their mismanagement and neglect of cultivation, must be chiefly ascribed the decline and ultimate sale of their talooks; many of which, by falling into more provident hands, have since become productive and desirable estates.

I could enumerate several instances of estates which, on account of their ruinated state, sold three years ago for little more than one year's purchase, and for which the price of five years purchase has been since offered and refused, on account of the improvement which they have undergone.

27.—Are you of opinion that any of the proprietors of lands in your district, would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma); and how many years purchase do you suppose the proprietors would offer for such remission?

Considering the smallness of the jumma and the apparent poverty of the generality of the talookdars of this zillah, I apprehend that the purchase of a permanent remission of any part of the fixed assessment of their estates, would be confined entirely to a few of the principal zemindars.

On examining the Quinquennial Register and Register of intermediate mutations, I find that the number of estates which pay annually a revenue of cawns 2,000 and upwards, amount to 63, a list of which is transmitted. Vide Statement No. 10. in the Appendix.

I have not yet called upon any of the proprietors of the said estates, to ascertain whether they would be willing to purchase any remission of their fixed assessment, and how many years purchase they would offer; wishing to wait the receipt of further instructions from Government, after they shall have been furnished with the opinions of the different Collectors upon the subject.

From the enquiries which I have made of persons who are not landholders, relative to this proposition, I have grounds to believe, that none of the landholders of this district will be induced to offer more than ten years purchase, to be paid *at once* for any remission, not so much from want of inclination, as from want of the necessary means.

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Answers by the COLLECTORS,

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28.—What is your opinion as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question, (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

In the event of the above arrangement being carried into effect upon any very extensive scale, many advantages would be likely to result both to Government and to the landholders; to the former by the realization of a considerable sum of ready money, which might be profitably appropriated to the liquidation of the public debt, and by diminishing the numerous sales of lands which unavoidably at present prevail, so prejudicial to that idea of security which is the foundation of all improvement in landed property; and to the latter, by enabling them, for obvious reasons, to discharge their revenues in future with more punctuality and ease, and affording them at the same time, greater confidence and encouragement towards exerting themselves in improving and extending the cultivation of their estates; since the fixed assessment being reduced, their lands will be less liable to be sold for a balance; and whatever increase of profit might be derived from their future labours, will be enjoyed exclusively by themselves, to whom and their posterity such hereditary estates will, by the above measure, be more firmly secured.

Having brought this Report to a conclusion, as speedily as my other avocations at this busy time of the year would allow, I have only to solicit the wonted indulgence of Government, should any part of my sentiments, remarks or propositions, contained therein appear erroneous, unsatisfactory or objectionable, since they are submitted with due deference, and to the best of my knowledge and judgment.

I have the honour to be,
Sir,
Your most obedient, humble servant,
(Signed) *John Ahmuty*,
Collector.

Sylhet,
the 12 December 1801.

(Copies.)

APPENDIX.

(No. 1.)

(No. 1.)

Copy of a LETTER from the Collector of Sylhet to the Board of Revenue, dated 14th November 1801.

To THOMAS GRAHAM, Esq. Acting President,
and Members of the Board of Revenue, Fort William.

GENTLEMEN,

1. IN continuation of the Reports required by your Board, on the state of the crops, I beg leave to acquaint you, that the present harvest is reckoned by the inhabitants as the most abundant which they have seen for these three years past.

2. On the 4th instant we experienced some drizzling rain, which threatened some injury to the crops, and created some alarm; but hitherto I have not heard of any ill consequences having ensued.

3. Paddy is now selling at the rate of S[a] R[s] 15 and 16 per °/₀ maunds, and Rice in proportion.

I am, &c. &c.

(Signed) *John Ahmuty*, Coll[r].

(No. 2.)

No. 2.—part 2.

Answers by the COLLECTORS.

Sylhet, 19 December 1801, Appendix.

(No. 2.)

BALANCE outstanding on the 30th November 1801, for the past Year 1207, B. S.

ZILLAH.	Balance due from the 30th November 1801. Due from Defaulters.	Due from Khâs Mehals.	TOTAL BALANCE.	EXPLANATIONS.
Parcool	439 0 0 0	798 8 2 0	1,237 8 2 0	The balance stated to be due from defaulters, with a small exception, is irrecoverable, being as well deficiencies from the proceeds of sales of lands, as arrears of talooks, which proved unsaleable; such defaulters possessing no other property which could be sold for the recovery of these balances. The balance due from Khâs Mehals is also irrecoverable.
Latoo	413 12 17 2	2,117 5 14 3	2,531 2 12 1	
Kingahjeah	519 0 0 0	247 2 15 0	766 2 15 0	
Russulgunge	596 6 0 0	2,885 5 17 1	3,481 11 17 1	
Nubbeegunge	5 0 0 0	- - -	5 0 0 0	
Sunkerpossah	- - -	1,249 0 0 0	1,249 0 0 0	
Taujpoor	169 0 0 0	971 4 0 0	1,140 4 0 0	
Raujnagur	1,106 10 14 1	986 3 15 0	2,092 14 9 1	
Noahcollee	18 0 0 0	- - -	18 0 0 0	
Bongong	848 0 0 0	209 6 19 2	1,057 6 19 2	
Cawns	4,114 13 11 3	9,464 5 3 2	13,579 2 15 1	
S.R[s]	783 12 10 0	1,802 11 13 0	2,586 8 3 0	

(E. E.)

Sylhet, the 30th November 1801.

(Signed) *John Ahmuty*, Collector.

(No. 3.)

(No. 3.)

JUMMA WASSIL BAWKEE of the Collectorship of Sylhet, for the current year, 1208, B. S. as it stood on the 30th November 1801.

ZILLAH.	Jumma of 1208, B. S.	Collected, to the 30th Nov. 1801.	BALANCE.	EXPLANATIONS.
Parcol	1,43,496 8 0 0	72,003 0 0 0	71,493 8 0 0	
Latoo	1,80,378 4 16 0	1,12,106 0 0 0	68,272 4 16 0	
Kingahjeah	1,06,843 9 12 0	65,700 0 0 0	41,143 9 12 0	
Russulgunge	1,62,361 0 0 1	80,305 0 0 0	82,005 0 0 0	
Nubbeegunge	1,18,921 0 0 0	90,070 0 0 0	28,851 0 0 0	
Sunkerpossah	1,04,483 0 0 0	80,001 0 0 0	24,482 0 0 0	
Taujpoor	1,33,012 0 0 0	71,254 0 0 0	61,758 0 0 0	
Raujnagur	1,22,875 9 12 0	86,906 0 0 0	35,969 9 12 0	
Noahcollee	1,15,006 0 0 0	84,001 0 0 0	31,005 0 0 0	
Abeedabad	37,256 0 0 0	28,292 13 5 0	8,963 2 15 0	
Bongong	29,222 0 0 0	21,627 0 0 0	7,595 0 0 0	
Cawns	12,53,855 0 0 0	7,92,266 13 5 0	4,61,588 2 15 0	
S.R[s]	2,38,829 8 7 3	1,50,907 11 9 2	87,921 12 18 1	
Lushkerpoor	53,846 12 0 0	39,201 0 0 0	14,646 12 0 0	
S.R[s]	2,92,676 4 7 3	1,90,108 11 9 2	1,02,567 8 18 1	

(E. E.)

Sylhet, the 30th November 1801.

(Signed) *John Ahmuty*, Coll[r].

No. 1.—part 2.

Answers by the COLLECTORS.

Sylhet, 19 December 1801, Appendix.

(No. 4.)

STATEMENT, shewing the Jumma of the Lands which have been, or are expected to be sold, in the District of Sylhet, for realizing the Balances of 1207, B. S.

GRAND DIVISIONS.	Jumma of Lands already sold.	Jumma of Lands expected to be sold.	TOTAL JUMMA.
Parcool	2,082 4 0 0	- - -	2,082 4 0 0
Latoo	928 0 0 0	14 0 0 0	942 0 0 0
Kingahjeah	3,709 0 0 0	- - -	3,709 0 0 0
Russulgunge	2,154 8 14 0	- - -	2,154 8 12 0
Sunkerpossah	231 0 0 0	- - -	231 0 0 0
Taujpoor	789 0 0 0	26 0 0 0	815 0 0 0
Raujnagur	2,557 0 0 0	- - -	2,557 0 0 0
Noahcollee	31 0 0 0	- - -	31 0 0 0
Bongong	62 0 0 0	- - -	62 0 0 0
Cawns	12,543 12 12 0	40 0 0 0	12,583 12 12 0
S.R^{s}	2,389 4 13 3	7 9 18 0	2,396 14 11 3
Lushkerpoor	28 1 0 0	- - -	28 1 0 0
S.R^{s}	2,417 5 13 3	7 9 18 0	2,424 15 11 3

(E. E.)

Sylhet, the 30th November 1801.

(Signed) *John Ahmuty*, Coll^{r}.

(No. 5)

No. 5.

EXTRACT of a Letter from the Collector of Sylhet to the Board of Revenue, dated 8th September 1801.

Par. 3. I regret much that the lands in this district should have lately in so many instances proved unsaleable; the general causes of which, as far as they have been ascertained, are as follow, but how far they are applicable to each talook specified in the sale accounts lately transmitted, I am unable at present to inform your Board. A further and more particular Report shall be duly submitted as soon as I have made the necessary enquiries on the subject.

1st. Except within the past two years, the landholders of this district, as I have had occasion formerly to represent to your Board, were constantly in the habit of disposing of portions of their estates by private sale upon a disproportionate assessment, adjusted by themselves, without making any reference or notification to the Collectors office in the manner enjoined by the Regulations of Government; and as it was the interest of every purchaser to render the jumma payable on his portion as small as possible, a handsome consideration made to the proprietor generally effected his purpose. In consequence of such improper alienations, the proprietor of the entire estate being unable to discharge his revenue, the estate was ultimately exposed for sale in liquidation of the arrears due to Government; hence no individuals appear inclined to buy estates in such predicaments, as to the expense attending their subsequent applications to the Court for the purpose of dispossessing the private purchasers alluded to above, without taking into account, the vexation and delay unavoidable on such occasions, has in many cases, exceeded the purchase money, and in some instances they have not been able to receive the full and entire possession of their mehals to this period.

2dly. It has sometimes occurred, that the lands of a talook have been fraudulently taken possession of by a neighbouring talookdar or Chowdry, which has of course tended to create a balance. The proprietor, under these circumstances, sooner than that his lands should be sold, has continued to discharge his arrears at the end of the year, for two or three years successively, till at last his estate is exposed for sale, and for the above reasons proves unsaleable; for such is the aversion of the landholders of this district, and such their reluctance to institute suits in the Dewanny Adawlut, on account of the great expense and delays inseparable from the proceedings of a Court of Justice, that they would submit rather to be deprived of the greatest portion of their estates by their stronger neighbours, than apply regularly for redress, and patiently wait the result; whilst in the Foujdarry Court, where the field for controversy and litigation is more extensive and better suited to their genius, and the

the expense and delays of justice less; they are not altogether forgetful of their private animosities, or backward in preferring their complaints.

Par. 4. There have been some instances of an estate in the above predicament being sold, but as soon as the purchaser had discovered that he could not well obtain possession of all the lands attached to his estate without resorting to the Court, he has immediately made a transfer of it to a second person, and the latter to a third, who has been at length compelled to apply to the Court for redress.

5. In stating the above circumstances, it is not my intention to intimate that every talook which has proved unsaleable is in one of the predicaments explained above. Many of the estates have been reduced to a waste and unprofitable condition, by the improvident conduct of the proprietors; who, by first anticipating and appropriating the rents to their private uses, and subsequently proceeding to some coercive exactions in order to remedy the defalcation, have often compelled the ryots to abscond, and if pykausht, which is *generally* the case, to cease to cultivate their lands. Hence, when an estate of the above description meets with a purchaser, he seldom expects to find any ryots upon it; he must then advance tuccavee, &c. This serves to explain, why some estates are sold for such trifling sums, and why, when held khâs, some scarcely produce any revenue.

6. In some estates, the lands have been and must unavoidably be, from the immense number of separate talooks, in some measure over-assessed, through the collusion of the putwarries at the time of Hustobood; and for the reasons assigned above, the proprietors will not make any regular application, or adopt any legal measures to procure, in such cases, the necessary abatement of jumma.

7. Lastly, with regard to the petty talooks, the jumma of which do not exceed C$ 10 per annum, the greatest part of which have proved unsaleable, it is necessary to explain, that these estates, in general, are no more than bheets or elevated spots (by nature or art) upon which barrees or habitations have been erected by individuals following some mechanical profession, who go out to service, and are not constant residents of the place; such as artificers, bearers, dandees, mangees, &c. These bheets, some of which have a trifling quantity of land attached to them, were assessed and formed into separate talooks at the time of the Decennial Settlement. As long as these talookdars, or, as they are termed, khoshlahshan, continue on the spot, the revenues are punctually paid; but when they emigrate to follow their different occupations and are dispersed, their talooks fall into arrears, which cannot be well recovered by attachment, since there are no rents to be collected, and which, when exposed for sale, few or no individuals appear inclined to purchase, since every person almost has his own barree or home, and may not find it convenient to alter his place of abode without necessity or some particular view. In the mean time the family of the talookdar, if he has any, retire, leaving an empty bheet, with sometimes an empty hut upon it, the proceeds of which, if separately sold, would scarcely pay for the deputation of a peon.

EXTRACT of a Letter from the Collector of Sylhet to the Board of Revenue, dated the 8th October 1801.

Par. 1. Agreeably to the promise contained in the 3d and 8th paragraphs of my Address, under date 8th ultimo, I now beg leave to transmit two Statements of Estates which have proved unsaleable in the past and current years, at present held under khâs management, in order to be advertised for sale, and, in the event of there being no bidders, to be bought in on the part of Government, previously to letting them in farm, or disposing of them in any other manner to individuals. I have also added, in the column of remarks, a summary of the causes which have rendered each talook unsaleable, as far as the same could be ascertained from the putwarries, who are well acquainted with the state of every estate in the district.

2. From Brendabun, who purchased the nine estates situated in pergunnah Plas, at a reduced jumma, I thought proper to demand a particular explanation in writing (which, with a translate, is herein inclosed) as he has frequently solicited me to recommend his case to the favourable notice of your Board; and, as far as the circumstances set forth by him have come to my knowledge, his statement appears perfectly correct. The lands of his talooks lying contiguous to the foot of the mountains, are constantly liable to the destructive visits of the wild beasts with which the surrounding jungles and hills abound, such as elephants, buffaloes, tygers and hogs, which deter ryots from making any permanent settlement, and subject the proprietor annually to a considerable expense in the advance of tuccavee, &c. I am given further to understand that, in the past year, no less than 100 families of ryots deserted. The quantity of land attached to the mehal, if it could be entirely brought into cultivation, is more than adequate to yield in a double proportion the assessed jumma. Under these circumstances Brendabun conceives himself justified in requesting that the balance due from him on account of 1207 B. S. amounting to cawns 848, may be relinquished by Government, the more especially as he has already paid to the tehsildars a sum far exceeding the gross collections from his mehal.

3. In my address above alluded to, I find that I had omitted to state one principal cause of the ruin of many petty estates in this district; viz. the irrecoverable disputes of the mofussil copartners. A talook which probably pays a jumma of cawns 100 per annum, and often less, is registered in my books in the name of a single proprietor, whilst, in the mofussil, there are no less, perhaps, than five pathee shurreeks or copartners, by right of consanguinity or otherwise, who are all in the actual possession of their respective russuds, or portions of lands. They usually collect the rents from the ryots of their own lands, and

No. 1.—part 2.

Answers by the COLLECTORS.

Sylhet, 19 December 1801. Appendix.

pay their revenue in the established proportion to the ostensible proprietor aforesaid, who discharges the same to, and receives a receipt in the name of the talook, as publicly registered from the tehsildar. It often occurs that these copartners quarrel among themselves, when some of them are alternately dispossessed by each other; the payment of their respective quota is immediately suspended, and, if the arrears be not recovered in time by attachment, the estate is brought to a sale, if not reduced at last to ruin; for no ryots feel inclined to settle upon or cultivate the lands of a talook which is so warmly disputed by the occupants. The first act on such occasions on the part of the person who has signed the settlement is, to seize the ryots of his copartners, and to demand the rent, on the ground of the estate being registered in his name; the former, having given no engagements to him, think proper to decline, and at last abscond *. In such cases, I think it my duty immediately to instruct the tehsildars to attach the lands; by which measure, although the dues of Government are generally realized, the evil is not remedied, nor is the estate benefited.

(No. 6.)

No. 6.

ESTIMATE of the Population of the Sylhet District, ascertained by a Hustabood.

No. of Houses.	Men.	Women.	Children.	TOTAL.
1,03,637.	1,88,245.	1,64,381.	1,40,319.	4,98,945.

POPULATION of the Cusbah or Town of Sylhet alone.

31,220.	28,717.	25,127.	21,538.	75,382.

Sylhet, 30th Nov. 1801.

E. E.

(Signed) *J. A.* Collector.

N. B. The proportion which it is supposed the Mahomedans bear to the Hindoos, in the above population is two to three; viz. two-fifths, which, as far as I can judge, exceed the proportion generally in other zillahs.

(No. 7.)

No. 7.

STATEMENT exhibiting the amount of the Duties which the Stamps will produce in 1208, B.S.

	Value of Stamps sold between the 1st May and 30th Nov. 1801, European Style.	Estimated Value of Stamps expected to be sold between 1st Dec. 1801 and 30th April 1802, European Style.	TOTAL.
Stamp Papers of the Revenue and Judicial Departments - - - - - -	3,545. 0. 0. 0.	1,750. 0. 0. 0.	5,295. 0. 0. 0.
S.R^{s}	3,545. 0. 0. 0.	1,750. 0. 0. 0.	5,295. 0. 0. 0.

(E. E.)

Sylhet, 30th Nov. 1801.

(Signed) *J. A.* Collector.

* When estates in this predicament are attached, some of the copartners, or their ryots, frequently prefer vexatious complaints, as in a recent instance, in the Foujdarry Adawlut, and cause the tehsildar or kooruckdar to be summoned, to the great detriment of the public service, and their individual annoyance.

No. 8.

LIST OF TONNAGE.

	Maunds.		Maunds.		S. Rupees.		
Dingee Boat from	5	to	10	Burden to pay	0	8	0 per Year
D°	10	to	15	D°	0	9	0 D°
D°	15	to	20	D°	0	10	0 D°
D°	20	to	30	D°	0	12	0 D°
D°	30	to	40	D°	0	14	0 D°
D°	40	to	50	D°	1	0	0 D°
D°	50	to	75	D°	1	8	0 D°
D°	75	to	100	D°	2	0	0 D°
D°	100	to	125	D°	2	4	0 D°
D°	125	to	150	D°	2	8	0 D°
D°	150	to	175	D°	2	12	0 D°
D°	175	to	200	D°	3	0	0 D°
D°	200	to	250	D°	3	4	0 D°
D°	250	to	300	D°	3	8	0 D°
D°	300	to	350	D°	3	12	0 D°
D°	350	to	400	D°	4	0	0 D°
D°	400	to	450	D°	4	4	0 D°
D°	450	to	500	D°	4	8	0 D°
D°	500	to	600	D°	4	12	0 D°
D°	600	to	700	D°	5	0	0 D°
D°	700	to	800	D°	5	4	0 D°
D°	800	to	900	D°	5	8	0 D°
D°	900	to	1000	D°	5	12	0 D°

N. B. All Boats above maunds 1,000, to pay rupees 1 per $\frac{1}{40}$ maunds, which would increase the tax, and fall on the rich merchants.

(E. E.)

Sylhet, 30th Nov. 1801. (Signed) *Jno Ahmuty*, Colr.

No. 9.

CALCULATION of the Number of BOATS supposed to belong to the District of Sylhet, and the probable Amount of the Annual Tax.

	Maunds to Maunds.	Number of Boats.	Average Price each Boat to pay yearly.	TOTAL Amount per Year.	Revenue per Year.
				S.Rs.	S.Rs.
Say Boats from	3,000 to 1,000	150	a' 8 S.Rs p' boat p' year	1,200 0 0	
- - D° - -	1,000 to 500	350	a' 6 Rs - - D° - -	2,100 0 0	
- - D° - -	500 to 400	500	a' 5½ Rs - - D° - -	2,750 0 0	
- - D° - -	400 to 300	500	a' 5 Rs - - D° - -	2,500 0 0	
		1,500			8,550 0 0
- - D° - -	300 to 200	1,000	a' 4½ p. - - D° - -	4,500 0 0	
- - D° - -	200 to 100	2,000	a' 3¾ p. - - D° - -	7,500 0 0	
		3,000			12,000 0 0
					20,550 0 0
- - D° - -	100 to 50	4,000	a' 3 p. - - D° - -	12,000 0 0	
- - D° - -	50 to 20	5,000	a' 2 p. - - D° - -	10,000 0 0	
- - D° - -	20 to 10	6,000	a' 1 p. - - D° - -	6,000 0 0	
		15,000			28,000 0 0
					48,550 0 0
- - D° - -	10 to 5	8,000	a' 1 p. - - D° - -	8,000 0 0	
		23,000			8,000 0 0
					56,550 0 0

Boats of this size from ten maunds to five maunds may be exempted.

(E. E.)

Sylhet, 30 Nov. 1801. (Signed) *J. A.* Collr.

(No. 10.)

A LIST of the LANDHOLDERS in the District who pay an Annual Jumma of Cawns 2,000, and upwards.

ZILLAH.	PERGUNNAH.	N° of Talooks.	TALOOKS.	Annual Jumma.	Sicca Rupees.
Parcool	Bengah	2	Allee Mahomed	2,236 0 0	425 14 9 3
	Kismut Chytunngur	1	Gour-hurry Sing	2,551 8 0	486 0 0 0
Latoo	Bhursons	1	Khauhdand	2,738 0 0	521 8 7 2
	Behaderpore	1	Allahdand	2,001 0 0	381 2 5 3
	Cossearcool	197	Allahdand	2,152 0 0	409 14 9 2
	Dowuddee	1	Mooraecchund	5,298 0 0	1,009 2 5 3
	Barroparah	1	Mooraeechund	3,733 0 0	711 0 15 2
	Kismut	1	Gourhurry Sing	4,578 4 16	872 0 18 1
Hingahjuah	Lunglah	1	Coorban Allee Chowdarry, purchased by Shamram & Cartishram	2,473 0 0	471 0 15 2
		2	Goldam Mended Chowderry	3,504 0 0	667 6 17 1
		3	Golam Nubbee Chowderry	2,166 0 0	412 9 3 1
		4	Golam Hussein Chowderry	2,016 0 0	384 0 0 0
		8	Mahomed Eusuf Chowdry	2,201 0 0	419 3 16 1
		16	Mahomed Mulfut	2,206 0 0	420 3 1 0
Russul Gunge	Bunsicoorah	1	Radhagobind	11,277 0 0	2,148 0 0 0
Russul Gunge	Selberrish	2	Woamacheaunt on the part at Radahgouind	2,201 0 0	419 3 16 1
	Coureeah	352	Seerychund Gucoul	2,610 0 0	497 2 5 3
	Kismut Bunnichung	1	Adum Rezah	3,206 0 0	610 10 13 3
		2	Coorbaun Rezah	3,028 0 0	576 12 3 3
		3	Allum Rezah	3,028 0 0	576 12 3 3
		4	Assuder Rezah	2,136 0 0	406 13 14 1
Nubbee Gunge	Betungul	3	Doollubram	2,121 0 0	404 0 0 0
		4	Goobind Raujkishen	4,125 0 0	785 11 8 2
	Zyenshye	1	Soobungsh Bhooput	4,072 0 0	775 9 18 1
	Sullookah	3	Ramgopaul	6,406 0 0	1,220 3 1 0
Nubbee Gunge	Kismut Bunniachung	1	Adrum Rezah	6,259 0 0	1,192 3 1 0
		2	Coorbaun Rezah	5,899 0 0	1,123 9 18 0
		3	Allum Rezah	5,890 0 0	1,121 14 9 2
		4	Assud D°	4,176 0 0	795 6 17 1
		6	Assud D°	2,239 0 0	426 7 12 2
Junkerpassah	Bejorah	2	Ramjoy Chowdry	10,491 0 0	1,998 4 11 2
	Luskey	4	Allah Unnoop	2,411 0 0	459 3 16 1
	Kitchy	1	Joy Gobind	2,719 0 0	517 14 9 3
	Cossimnagur	1	Ictol Nazeer	3,954 0 0	753 2 5 3
		2	Mahomed Eaaseen	3,178 0 0	605 5 6 3
Tarypoor	Kismut	1	Goomhurry Sing	4,653 0 0	886 4 11 3
Raynagur	Etah	17	Anundram, &c.	2,833 0 0	539 9 18 0
	Shumshernagur	1	Abul Fuzzul purchased by Mugul Baig, &c.	2,609 0 0	496 15 1 0
		2	Abul Zuffer	2,535 0 0	482 13 14 1
		36	Abul Hekeem Neij	4,222 0 0	804 3 1 0
			Purchased by Lunnahsing	2,528 0 0	481 8 7 3
	Alleenagur	18	Raujbullubroy purchased by Golaubram, &c.	4,986 0 0	949 11 8 2
	Bannoo Gatch	1	Gourchurry Sing	7,936 0 0	1,511 9 18 1
Noah Collee	Chowalis	13	Golaum Allee Kissa Pyrun	2,187 0 0	416 9 3 0
	Baleesiah	1	Bibee and Tazilah Khanum 3,536		
			Hissa Golaum Mahomed 3,536		
			Hissa Golaum Russul 3,536		
			Hissa Loll Bibee 1,767		
				15,911 0 0	3,030 10 13 3
			Carried forward	1,81,679 12 16	34,605 10 16 0

A List of the Landholders in the District—*continued.*

ZILLAH.	PERGUNNAH.	N° of Talooks.	TALOOKS.	Annual Jumma.	Sicca Rupees.
			Brought forward -	1,81,679 12 16	34,605 10 16 0
Noah Collee - -	Sant Gong - - -	1	Golaum Alee Hissa - - Pirun Bibee, &c. - 1,591 Hissa Golaum Russul 1,591 Hissa Golaum Mahomed - - 1,591 Hissa Golaum Mustofa 1,591 Hissa Loll Bibee - 794	7,158 0 0	1,363 6 17 1
	Kismut Chytunnagur	1	Gomhurry Sing - -	11,947 0 0	2,275 9 18 0
Abadabad - -	Kismut Bunniachun	1	Adum Rezah - - -	7,834 0 0	1,492 3 1 1
		2	Courbaun Rezah - -	7,399 0 0	1,409 5 6 3
		3	Allum Rezah - - -	7,399 0 0	1,409 5 6 3
		4	Assuder Rezah - -	5,220 0 0	994 4 11 2
		5	Mahomed Nazeer Aunfer -	2,398 0 0	465 12 3 3
		6	Assuder Rezah - -	3,599 0 0	685 8 7 2
Lushkerpore - -	Turruff - - - -	1	Syhed Mahomed Nazeer; viz.		
			Hissa Syed Mahomed Natar - - -		2,521 7 0 0
			Hissa Syed Mahomed Bantier - - - - -		2,966 9 0 0
		2	Syhed Ahmud Allee; viz.		
			Hissa Syed Ahmud Rezah - - - -		1,416 9 0 0
			Hissa Syed Muddun d° - - -		2,617 2 0 0
			D° - Kaeem - d° - - -		2,005 1 0 0
			D° - Hameed d° - - -		665 15 0 0
			D° - Cullum d° - - -		685 3 0 0
			D° - Hossen d° - - -		831 15 0 0
		4	Rammisser Shen - - -		956 2 0 0
		6	Gungahgouind - - -		542 15 0 0
		7	Hubeeb Ullah - - -		607 5 0 0
		202	Shah Rezoan Uddeen -		677 1 0 0
		203	Shah Zebub Abdee - -		542 14 0 0
Luskerpore - -	Turruff - - - -	581	Furkaun Ullah - - -		536 12 0 0
		1,081	Rampers and purchased by Shamram - - -		1,099 14 0 0
		3	Syed Budder Uddeen Hossun Hissa Syed Babool Hussun and Goulsulhosun		687 6 0 0
	Noor Ullahossunnagur - - -	1	Nurnarain Ghose - -		1,031 0 0 0
			Cawns & S.Rupees -	2,34,633 12 16	65,083 4 8 3

Sylhet, 30th Novr 1801.

(E. E.) (Signed) *J. Ahmuty,*
Collector.

No. 1.—part 2.

Answers by the COLLECTORS.

Zillah Tipperah, 20 April 1802.

(Zillah Tipperah.)

To His Excellency The Most Noble RICHARD Marquis WELLESLEY, K.P.
Governor General.

My Lord,

ENCLOSED, I have the honour to lay before your Excellency the several Replies to the Interrogatories, transmitted to me by the Secretary to the Government in the Judicial and Revenue Departments.

I have the honour to be,
My Lord,
Your Excellency's most obedient humble servant,
(Signed) *John Ryley*,
Collector.

Zillah Tipperah,
20th April 1802.

QUERIES.—1.—Are the crops of the present year expected to be productive?

ANSWER.—The crops in this district of the present year are expected to be productive.

2.—What is the amount of the balances in your district on account of the past year, and what is the state of the collections for the present year?

The net balance of this district on account of the past year, amounts to S.R^{s} 4,604. 10. On account of the present year, the sum of S.R^{s} 10,06,049. 9. 9. 1. has been collected, and the remainder in course of payment.

3.—What is the amount of the jumma of the lands which have been or are expected to be sold in your district, for realizing the balances of the past year; and have the lands disposed of, sold at a favourable price or otherwise; and if the latter, what is the cause of the unfavourableness of the sale?

The amount of the sudder jumma of the lands that have been sold for the realization of the revenue of the past year, is S.R^{s} 7,120. 11. 19. 3. and the jumma of those expected to be sold, is S.R^{s} 557. 10. 14. 3. The lands have sold rather at favourable prices than otherwise.

4.—Are the existing Regulations for collecting the revenue of Government, from the zemindars and other proprietors of lands, with whom a permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without, at the same time, affecting the security or value of landed property?

The 7th Regulation of 1799 and the 1st of 1801, are well calculated to secure the punctual payment of the revenue, without affecting the security or value of landed property.

5.—Are the existing Regulations for collecting the revenue of Government, from persons holding lands in farm immediately of Government, calculated to secure the punctual collection of the public revenue from the farmers?

I am of opinion that the existing Regulations for collecting the revenue from farmers holding lands immediately of Government, are well calculated to secure the punctual payment of the public revenue; due attention being of course paid to the responsibility of the farmers security.

6.—Are the existing Regulations for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers and from their ryots, well calculated for the purposes intended, without, at the same time, affording to the proprietors and farmers of land the means of oppressing their under farmers and ryots?

I think the existing Regulations for enabling the zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers and ryots, well calculated for the purposes intended; and, in this part of the country where the talookdars are so numerous, and in a great measure independant of the zemindars, do not afford the latter the means of oppressing either their farmers or their ryots.

7.—When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree. What proportion does the uncultivated land in your district bear to the cultivated land?

I was appointed to officiate as Collector of this district on the 30th October 1800, and was confirmed in the appointment on the 14th March following. I am of opinion that the cultivation of this district has been extended and improved (at least if I can venture to form a judgment from general information) since the first year of the Decennial Settlement, in the proportion of one to four; and I estimate the uncultivated land to bear a proportion of about one-eighth to the cultivated land.

8.—Do the proprietors of estates, in general, derive a profit exceeding the 10 per cent. on the jumma; the profit estimated to be left to them on the conclusion of the Decennial Settlement?

I am of opinion that the proprietors of estates, in general, derive a profit exceeding 10 per cent. on their jumma.

9.—What

9.—What is the state of the embankments in your district?

The embankments are in general in an indifferent state of repair; but previous to the ensuing rains, the labourers now at work upon them will, I expect, have made them so secure as to do away any apprehensions on this account.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

I am not of opinion, that the proprietors of lands in this district attend in the least to the improvement of their estates in the manner mentioned in the Query annexed; the zemindars themselves, generally, not being in the habits of extending their views to a more distant period than the harvest of the ensuing year.

11.—Have the proprietors of land conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land in general, previously to the conclusion of that settlement; and is the situation and condition of the ryots, or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

The proprietors of land have certainly conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the conclusion of the permanent settlement; and the situation of the ryots (in this part of the country) is, I am of opinion, in every respect, as comfortable as can be expected.

12.—What is the state of the roads in your district? Are there any parts of the district, the making of roads through which would be particularly beneficial to the country; and what would be the expense attending the work?

The roads in this district are generally in an indifferent state of repair, particularly one from this station through the center of the district to Noacolly, the residence of the salt agent of Bhulwah and Chittagong. This road being kept in repair would prove highly beneficial to the district, by the communication that would in consequence become more general, and which would be greatly facilitated, particularly at the periodical season of the rains, by a canal being cut from Commillah to Bangmana, a distance of not more than four coss, and through which the road above alluded to passes: the proposed canal would open a communication with the Dekoytey and little Fenny rivers; the former of which, running nearly through the center of the zillah, empties itself into the Megna, a little above Luckipore. The road from this station to Chittagong, and which is necessarily the route of the troops on their march from Dacca to that place, is very materially injured, and in some places rendered almost impassable, by cuts made across it by the ryots for the purpose of cultivation. If brick bridges were constructed over these cuts, the road would remain passable, and the ryots might either open or shut up the arch of the bridges, as occasion might require: it would be necessary to construct about sixty bridges of the above description, from this station to the river Fenny, which is the boundary of this district and Chittagong: upon an estimate, the aggregate expense of the bridges would amount to about S.R^s 24,000.

Should his Excellency the Most Noble the Governor General in Council deem it expedient to employ the convicts in the above works, the completion of them might be effected at a very trifling expense; little more than the erection of straw sheds for the security of the convicts during the night.

13.—What is the estimated number of the inhabitants of your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

The number of inhabitants of this district is estimated at 750,000, and the Mahomedans bear a proportion to the Hindoos as four to three.

14.—What are the most valuable articles of produce in your district; and has the cultivation of them particularly increased of late years? What is supposed to be the cause of that increase?

Cotton, rice, beetle-nut, salt. The cultivation of the former has, of late years, considerably increased in this district, as also the manufacture of the latter article. The cause of the increase in the cultivation of the former is to be attributed to the encouragement given by the European settlers in this district to the manufacture of cloths, and the cause of the increase in the latter article is to be attributed to Government having taken into their own hands the exclusive mangement of the salt lands.

15.—Are the stamp duties becoming more productive; and what sum do you expect those duties will produce in your district, in the present year?

The stamp duties are becoming more productive, and I expect they will produce in this district, in the present year, the sum of sicca rupees 9,000.

16.—Are the abkarry collections increasing or decreasing?

The abkarry collections are considerably increasing.

17.—Are there any articles in your district on which a productive tax might be levied without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

I am not aware of there being any articles in this district, on which a productive tax could be levied, without oppression to the people.

No. 1.—part 2.

Answers by the COLLECTORS.

Zillah Tipperah, 20 April 1802.

18.—What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

The following are the descriptions of rent-free lands in this district: Birmotre, Daovuttre, Bishenpentre, Chakeran, Nankar, Buty, Ootsungou, and Osary. I estimate the produce of the rent-free lands in this district to bear a proportion of one-sixth to the jumma of lands paying revenue to Government.

19.—Which of these descriptions of lands are in general in the best state of cultivation; the rent-free lands, or the lands which pay revenue to Government?

The lands which pay revenue to Government are in the best state of cultivation: this, I do not conceive, is to be ascribed so much to the inferior quality of the rent-free lands as to the indolence of the natives, who, roused from their inactivity by the demands of Government, find it absolutely necessary, in order to enable them to liquidate the demands upon them, to cultivate those lands which, if exempt from the payment of revenue, would be waste.

20.—What description of old rupees are current in your district?

Arcot rupees are the only description of old rupees current in this district.

21.—What is the reason these rupees continue in circulation, and how are they replaced, as they become worn and diminished in value; the 19 sun sicca rupee being the only description of rupee struck in the provinces, and that being the only rupee in which the public revenue ought to be paid?

I attribute the continuance of these rupees in circulation in a great measure to the inhabitants of the interior parts of the country, from the inconsiderable extent of their concerns, not considering it worth their while to effect an exchange into the sicca currency; although, if the rupee offered by them in payment for purchases be light of weight, they are obliged to admit a deduction in the quantity of the article required; which, I am informed, is a more prevalent custom than paying a batta upon the rupee. I do not find that the rupees which are much worn are ever replaced, the quantity of the article purchased being regulated by the quality of the rupee offered in payment.

22.—What rules would you recommend to be adopted for the purpose of introducing the 19 sun sicca rupee into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee?

As, notwithstanding the repeated orders of Government, and Regulations passed, extending the periods for the legal currency of the Arcot rupee, yet still that coin is very general in this district; and as it is so much the object of Government and the public at large, that the impositions practised by the shroffs should be counteracted; I beg leave to propose, that a period of twelve months be allowed (to be published at the different Courts of Adawlut and Cutcheries of the Collectors) for the continuance of treasure in the Arcot specie in the hands of the different bankers; that after the expiration of that period a certain proportion, say an eighth or sixteenth of the whole amount that may be found in their houses, should be confiscated, and paid into the treasury of the nearest Collector, as a fine to Government; and that the remainder be conveyed by the Magistrate of the city or zillah in which such money may be found to the nearest public treasury, and the Collector required, in such instances, in lieu thereof, to deliver immediately, in the sicca specie, the value of such illegal coin, to the person in whose house it may be found, or some person duly authorized by him to receive it.

23.—Do gold mohurs circulate in your district; to what extent, and do they pass at par, that is, for the value of 16 sicca rupees, when tendered for the purchase of goods; in payment of private debts and public demands, it is, of course, received at the rate which the law requires?

The circulation of the gold mohur in this district is pretty general. Of the sum of S.R^s 10,25,158. 7. 16. the amount of the collections of the past year, the sum of S.R^s 2,08,000. was received in the gold mohur specie, which passes at par throughout this district.

24.—Has the establishment of the currency of the gold mohur, in the interior of the country, operated beneficially, or otherwise?

I am of opinion that it has operated beneficially.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands held exempt from the payment of revenue?

The Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of lands held exempt from the payment of revenue, for the Bengal year 1207, as well as of the Pergunnah Register, I hope shortly to be enabled to report the completion of.

26.—What descriptions of persons are in general the purchasers of the land disposed of by public sale in your district; and is the management of those purchasers regulated by principles better calculated for the permanent improvement of those estates, than the system of management of the former proprietors?

The officers of the Zillah Court and the vakeels of the Court are as frequently the purchasers

chasers of estates, sold by public sale in this district, as the zemindars; and if a judgment can be formed from a very few estates of such purchasers having been again sold for arrears of revenue, I am induced to draw the conclusion, that the system of management adopted by such purchasers has been better calculated for the improvement of those estates than that of the former proprietor.

27.—Are you of opinion that any of the proprietors of lands in your district would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma) and how many years purchase do you suppose the proprietors would offer for such remission?

I am not of opinion that any of the proprietors of lands in this district would purchase of Government a remission of any part of the assessment fixed upon their estates.

28.—What is your opinion, as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding Question (supposing the arrangement to be carried into effect to the greatest practicable extent) would produce on the general improvement of the country?

I am not of opinion, that the disposal of a proportion of the jumma assessed upon the zemindars at the period of the Decennial Settlement, in the manner proposed in the preceding Question, would operate towards the general improvement of the country.

(Signed) *John Ryley*,
Collector.

Zillah Tipperah,
20th April 1812.

(Zillah Tirhoot.)

To N. B. EDMONSTONE, Esq.

Secretary to his Excellency the Most Noble the Governor General.

SIR,

IN compliance with the orders communicated to me in Mr. Secretary Dowdeswell's Letter of the 3d December last, accompanying, I have the pleasure to transmit a Copy of my Answers to the papers of Questions forwarded with your Letter of the 21st October last, which I request you will have the goodness to lay before his Excellency the Most Noble the Governor General, for his consideration.

I am, &c.

(Signed) *G. P. Ricketts*,
Acting Collector.

Zillah Tirhoot,
12th February 1802.

1.—Are the crops of the present year expected to be productive?

Owing to the overflowing of the rivers Gunduck and Ganges, and likewise the breaking down of the bunds, the landholders in pergunnahs Hajepore, Rutty, and Imadpore have experienced considerable loss in their buddovee crops; but, from the favourable appearance of the crops at present, there is every reason to suppose that the rubby harvest will be very productive, which will make up for the damages they sustained at the commencement of the present year. The lands in the other parts of this district are in the highest state of cultivation.

2.—What is the amount of the balances outstanding in your district on account of the past year; and what is the state of the collections for the present year?

The outstanding balances on account of the past year amount to sicca rupees 74,880. 4. 17. and the sum collected for the present year amounts to sicca rupees 2,33,950. 12. 2.

3.—What is the amount of the jumma of the lands which have been or are expected to be sold in your district for realizing the balances of the past year; and have the lands disposed of sold at a favourable price, or otherwise; and if the latter, what is the cause of the unfavourableness of the sales?

The jumma of the lands which have been sold, on account of balances due for the past year, amount to sicca rupees 9,064. 0. 17. 2. and the amount of further lands, which are expected to be sold, is sicca rupees 11,604. 3. In some instances, the lands disposed of have sold at a very high price; and where the sales have proved unfavourable, it has been owing to the neglect of the landholders, who have suffered their estates to go to ruin, by which their value has decreased, and the produce has not been adequate to discharge the revenue assessed upon them; but the purchasers are in hopes, by assiduity and good management, to improve the lands, and render them more productive.

4.—Are the existing Regulations for collecting the revenue of Government, from the zemindars and other proprietors of lands with whom a permanent settlement has been concluded, well calculated to secure the punctual collection of the public revenue, without, at the same time, affecting the security or value of landed property?

The existing Regulations, in my opinion, are well calculated to secure the punctual collection of the public revenue from the zemindars and other proprietors of land, with whom a permanent settlement has been concluded, without injury to the security or value of landed property.

No. 1.—part 2.

Answers by the COLLECTORS.

Zillah Tirhoot, 12 February 1802.

5.—Are the existing Regulations for collecting the revenue of Government, from persons holding lands in farm immediately of Government, well calculated to secure the punctual collections of the public revenue from the farmers?

The Regulations likewise are well calculated to secure the punctual payment of the revenue demandable from persons holding farms immediately of Government.

6.—Are the existing Regulations for enabling zemindars and other proprietors of land, and farmers of land holding their farms immediately of Government, to realize their rents from their under farmers and from their ryots, well calculated for the purposes intended, without, at the same time, affording to the proprietors and farmers of land the means of oppressing their under farmers and ryots?

The Regulations are well adapted for the purposes intended in the first part of this Question; they do not afford the proprietors and farmers of land the means of oppressing their under farmers and ryots.

7.—When were you appointed Collector of the district; and has its cultivation been improved and extended since the first year of the Decennial Settlement, and in what degree? What proportion do you suppose the uncultivated land in your district now bears to the cultivated land?

I was appointed Collector of this district on the 3d April 1800, and from the different enquires I have made, and from my own observations, the cultivation has considerably increased since the first year of the Decennial Settlement. With regard to the proportion the cultivated land bears to the uncultivated, I cannot exactly state the quantity; but, from the information I have gained on this subject, I am led to suppose the former bears a proportion of three begahs to two.

8.—Do the proprietors of estates, in general, derive a profit exceeding the ten per cent. on the jumma, the profit estimated to be left to them on the conclusion of the Decennial Settlement?

The proprietors of estates in some parts of this district derive a profit far exceeding the 10 per cent. left them on the conclusion of the permanent settlement; and in others, again, they do not realize, I understand, a profit exceeding the 10 per cent.

9.—What is the present state of the reservoirs in your district?

The greatest part of this district is plentifully supplied with water from the various small rivers which run through it; and where the inhabitants do not derive this advantage, there are reservoirs or tanks from whence they are supplied, and which are in a good state of repair.

10.—Do the proprietors of land, in general, attend to the permanent improvement of their estates, by the making of embankments, digging of tanks, and establishing such other works as are calculated to increase the produce of their lands?

The landholders, for the most part, no doubt, exert themselves in increasing the produce of their lands and improving their estates. With regard to digging tanks, there is scarcely any necessity, from the circumstances mentioned in the preceding paragraph. The making of embankments has been very little attended to by them; from this inattention their losses chiefly originate.

11.—Have the proprietors of lands conducted themselves with more moderation, and with greater attention to the principles of good faith, in their transactions with their ryots, since the establishment of the permanent settlement, than was observed by the proprietors of land, in general, previously to the conclusion of that settlement; and is the situation and condition of the ryots, or immediate cultivators of the soil, in every respect, as comfortable as can be expected?

The proprietors of land are so much restricted by the Regulations, that, since the formation of the permanent settlement, they have conducted themselves with more moderation and attention in their transactions with their under farmers and ryots, than they did prior to the above settlement; and I believe their situation to be as comfortable as can be expected.

12.—What is the state of the roads in your district? Are there any parts of the district, the making of roads through which would be particularly beneficial to the country; and what would be the expense attending the work?

The roads in this district are in a very bad state; the repairing of which, and the making of some new ones, would be highly beneficial to the country. One, in particular, viz. the road from Muzzufferpore to the city of Patna, would be of great benefit, as it would induce a greater number of merchants to come and purchase the produce of this district, and enable them to transport their merchandize with facility. The making of this road would not cost less than S.R^s. 16,000, owing to several pucka bridges which it would be necessary to build.

13.—What is the estimated number of the inhabitants of your district; and what proportion is it supposed the Mahomedans bear to the Hindoos?

It is out of my power to state precisely the number of inhabitants there are in this district; but, from enquiry, I understand there are about 2,000,000. The Hindoos bear a proportion to the Mahomedans as four to one.

14.—What

14.—What are the most valuable articles of production in your district, and has the cultivation of them particularly increased of late years; what is supposed to be the cause of that increase?

The most valuable productions in this district are, tobacco, pawn, turmerick, ginger, opium, saltpetre, indigo and sugar-cane; the cultivation of them has been much increased of late years, owing to the great consumption and ready sale of these articles.

15.—Are the stamp duties becoming more productive; and what sum do you expect those duties will produce in your district, in the present year?

The sale of the stamp papers is becoming more productive; and I should imagine they would produce this year a sum of above 14,000 R°.

16.—Are the abkarry collections increasing or decreasing?

When I took charge of this collectorship, the abkarry mehal yielded a revenue of S.R° 16,126. 11. which I have increased to R° 26,578. 9.; and I have every reason to suppose that it will become more productive.

17.—Are there any articles in your district on which a productive tax might be levied, without oppression to the people; name the articles, the rate of tax, and the manner in which you would propose it to be levied?

I know of no article on which a tax could be levied, which would not be oppressive to the inhabitants.

18.—What are the descriptions of rent-free lands in your district; and what proportion does the produce of the rent-free lands bear to the jumma of the lands which pay revenue to Government?

I have the honour of transmitting, on a separate sheet, a list of the various descriptions of rent-free lands in this district. With respect to the proportion their produce bears to the jumma of the lands that pay revenue to Government, the latter is to the former as four to one.

19.—Which of these descriptions of lands are, in general, in the best state of cultivation; the rent-free lands, or the lands which pay revenue to Government?

The rent-free lands, and those lands which pay revenue to Government, are equally well cultivated, and without any sensible difference.

20.—What descriptions of old rupees are current in your district?

The rupees that are current in this district, are the phooleya rupee, and the 19 sun sicca rupee.

21.—What is the reason that these rupees continue in circulation, and how are they replaced as they become worn and diminished in value; the 19 sun sicca rupee being the only description of rupee struck in the provinces, that being the rupee in which the public revenue ought to be paid?

The 19 sun sicca is the only rupee which is received in the treasury for the payment of revenue; and the reason why the phooleya rupee remains in circulation, is, on account of its being used by the under farmers and ryots, for discharging their kists to their principals. This money is changed in the bazar by them for the 19 sun sicca (on their giving batta) which is paid into the treasury.

22.—What rules would you recommend to be adopted for the purpose of introducing the 19 sun sicca rupee into general circulation, and of rendering it advantageous to all persons to reject any other description of rupee?

The only method of preventing the circulation of these rupees, and introducing entirely the 19 sun sicca, and making it advantageous to people to reject all other rupees, would be, to authorize the Collectors to receive them in payment for revenue as equal to the 19 sun sicca, and remitting them immediately to Calcutta, to be recoined. By adopting this plan, in the course of a few years they would totally disappear.

23.—Do gold mohurs circulate in your district, and to what extent; And do they pass at par; that is, for the value of 16 sicca rupees when tendered for the purchase of goods; in payment of private debts and public demands, it is, of course, received at the rate which the law requires?

The gold mohur is in general circulation throughout this district; and the average sum received in gold into this treasury, for these last three years, amounts to sicca rupees 27,55,528. When gold mohurs are tendered for the payment of the revenue, they are received at par; that is, for 16 sicca rupees; but when for the purchase of goods, if they are in the least worn, a certain batta is demanded.

24.—Has the establishment of the currency of the gold mohur, in the interior of the country, operated beneficially or otherwise?

From every information I have received, I find that the currency of the gold mohur, in the interior part of the country, has operated beneficially.

25.—What progress has been made by you in preparing the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of the lands held exempt from the payment of revenue?

I have nearly completed the Quinquennial Register of lands paying revenue to Government, and the Quinquennial Register of rent-free lands, in the Persian language; and I am now translating the registers into English.

No. 1.—part 2.

Answers by the COLLECTORS.

Zillah Tirhoot, 12 February 1802.

26.—What description of persons are, in general, the purchasers of the lands disposed of by public sale in your district; and is the system of management of those purchasers better regulated for the permanent improvement of their estates, than the system of management of the former proprietors?

The purchasers at the sales are people of respectability, and chiefly proprietors of land. Their system of management, for the permanent improvement of their estates, is similar to that of the former proprietors.

27.—Are you of opinion that any of the proprietors of lands in your district, would purchase of Government the permanent remission of any part of the fixed jumma assessed upon their lands (suppose a proportion of 10 or 20 per cent. of that jumma); and how many years purchase do you suppose the proprietors would offer for such remission?

I have spoken to several of the proprietors of lands, with respect to purchasing of Government the permanent remission of part of the fixed jumma assessed upon their estates; but they do not seem inclined to meet the wishes of Government, which renders a reply to the latter part of this question unnecessary.

28.—What is your opinion, as to the effect which the disposal of a proportion of the jumma, in the manner proposed in the preceding question (supposing the arrangement to be carried into effect, to the greatest practicable extent) would produce on the general improvement of the country?

In the event of the disposal of a proportion of the jumma, and supposing the same to be carried to the utmost extent, I am not aware that it would tend much to the improvement of the country.

(Signed) *G. P. Ricketts,*
Acting Collector.

LIST of various MINHYE LANDS, in Zillah Tirhoot.

Altumgah, Jageer, Aymah, Soorigepreet, Bishenpreet, Bermooter, Aynamaut, Kawrij Jumma, Fukeeranah, Sungooter, Doorgahpreet, Khyraut, Naunkar, Shewpreet, Sirshaker, Madadmaush, Koosh Beert, Janookeepreet, Hunoomaunpreet, Ozoodapreet, Neyage, Juggernautpreet, Mafee, Naaz Takeeah, Bukseesh, Beert, Nannok Baury and Sunguth Baury, Seerraud Dawn, Samaun Dawn, Gungapreet, Modud Khurch Fakeeraun, Naauz Allah, Taubeh Mutt, Naauz Dergah, Naauz Mukdoom.

(Signed) *G. P. Ricketts,*
Acting Collector.

No. 2.

—No. 2.—

COPY of a LETTER from Mr. *J. D. Patterson*, Judge of *Dacca Jellelpore*, in *Bengal*, to the President and Members of the Police Committee; dated 30th August 1799.

EXTRACT Letter from Mr. J. D. Paterson, Judge of Dacca Jellelpore, to the President, &c. Members of the Police Committee; dated 30th August 1799.

Paragraph 2.

TO give the Board a true account of the Police of this District, it is necessary, in the first place, to make them acquainted with the manners and morals of the people, especially the lower sort.

3. As a picture of human degradation and depravity can only give pain to a reflecting mind, I shall be as brief as possible, consistently with the necessity of furnishing the required information.

4. Their minds are totally uncultivated; of the duties of morality they have no idea; the possess, in a great degree, that low cunning which so generally accompanies depravity of heart; they are indolent, and grossly sensual; they are cruel and cowardly, insolent and abject; they have superstition without a sense of religion: and, in short, they have all the vices of savage life without any of its virtues. If we look a step higher, we find the same total want of principles, with more refined cunning; no attachment but what centers in self: for the ties of relationship seem, in general, only to render inveteracy more inveterate.

5. I do not mean to say, that these people are in that state of ignorance as not to know the difference of good and bad conduct, and that they ought to practise one and avoid the other; but it is the total want of that moral instruction which impresses the young mind with a dread and shame of doing evil, and which encourages them to acts of propriety; that fear of the superintendence of a Deity, which every religion professes to have for its object, and which ought to influence their conduct through life. In all ages there have been abandoned profligate characters, who have committed depredations on the public, and their numbers have been greater or less according to the wisdom or weakness of the Government.

6. Under the Hindoo dominion, the ranks and professions of men were classed into 36 castes; and the individual of each, was obliged to learn and follow the profession of his ancestors; by this establishment, each individual of a caste had the means of support in his own profession. These castes were under the direction of their pundits; and the Punchaut, or General Assembly of the caste, used to examine the conduct of the members of their society, and the consequence of their censure was, sometimes a total exclusion of the guilty individual from the community.

7. No Brahmin was supported by the public who was unlearned, or who did not contribute his assistance in forming the minds of the lower classes, and teach them morality, and the duties enjoined by laws; under such an establishment for the instruction of the lower classes, it was not difficult to form an efficient police.

8. But the cruel reverse, which the invasion of the unprincipled and bigotted Mussulmauns introduced, may account for the wide torrent of corruption that has overflowed this country.

9. They considered the conquered Hindoos as infidels, and treated them with unrelenting persecution and cruelty; they thought, or affected to think, that every injury and insult upon them, were acts pleasing to God and their prophet. Their destructive bigotry attacked the books and learning of the Hindoos; and the Brahmins, persecuted with incessant atrocities, ceased to exercise their functions. The rising generation were left to themselves, and fell into all the excesses which the example and conduct of their conquerors had pointed out to them. The spirit of despotism completed the corruption of morals; and, in process of time, the human mind in this country was completely revolutionized. In this manner, for some centuries, under the Patan government, they continued, from want of the ancient discipline, to fall from degradation to degradation, the scorn and contempt of their despoilers. Many of the lower ranks became converts to the Mahomedan faith, without conviction of its being more rational than what they professed before, because it sheltered them from the persecuting bigotry they had suffered under, but the mind experienced no rise; the stern

No. 2.

Letter from Mr. J. D. Paterson; 30 August 1799.

despotism of their rulers still kept it down: and their ignorance of the language in which their new tenets were locked up, confined the practice of religion to the mere exterior forms of devotion. The Mussulmaun conquerors finding it, however, impossible to root out the religion of the country entirely, were at last under the necessity of abating their zeal, and suffering it to remain. Unprotected, however, and unsupported by the authority of the Government, the Brahmins themselves, sinking under centuries of oppression, were too much involved in the general wreck to think of renewing the ancient discipline; their learning fell into neglect; and, in course of time, the Brahmins came to want that instruction themselves which it was their duty to afford to others. Mixing in all the selfish squabbles of common life, they gradually lost, by their own example, in the eyes of the Hindoos, that respect, which was so necessary to give force and energy to instruction.

10. Under the Mogul government, the Persian delegates of the Emperor, being Sheahs, seemed to pay little attention to the minutiæ of the Sunnee laws. Their procedure was summary; their punishments cruel and capricious: they thought terror alone sufficient to suppress and prevent crimes, but they neglected the discipline, which might render such procedures unnecessary.

11. The Persian rulers and their retainers, were Sheahs and strangers in the land; the subjects were either Hindoos or Sunnies; the first, in their ideas, infidels, and the latter, incorrigible heretics. To enforce instruction in tenets so hostile to their own faith, must have been, in their opinion, blasphemy and profanation.

No. 3.—(The 15th and 35th INTERROGATORIES, proposed by the Governor General in Council of Bengal to the Judges of Circuit and the Zillah Judges)—having been printed under Order of 30th April, is not here inserted.

—No. 4.—

EXTRACT containing Paragraph 4. of Report from Mr. *E. Colebrooke*, Second Judge of the COURT of CIRCUIT for the Division of *Patna*, on the completion of the Gaol Delivery of the extra Sessions of that Division; dated Patna, 21st April 1804, to the *Nizamut Adawlut*.

EXTRACT BENGAL JUDICIAL CONSULTATIONS;
10th May 1804.

EXTRACT from the Report of Mr. Edward Colebrooke, Second Judge of the Patna Court of Circuit, on the completion of the Jail Delivery of the extra Sessions of that Division addressed to the Nizamut Adawlut; dated Patna, 21st April 1804.

Paragraph 4.

ANOTHER not less heinous offence attaching to these affrays, is perjury, to which recourse is invariably had both for the prosecution and defence of such charges. To such a pitch of shameless audacity has this crime long since reached in this province, that a total distrust of human testimony, on every occasion, is the consequence. No rank, no caste, is exempt from the contagion; a zemindarry dewan, a brahmin, who had circumstantially sworn to the nature and number, and to the authors of the wounds on two of his cutcherry amla, alleged to have been murdered in an attempt to dispossess him from the cutcherry, scarcely blushed when the two men were produced alive and unhurt in Court; and merely pleaded in excuse, that had he not sworn as directed, he should have lost his employ.

—No. 5.—

EXTRACT of Judicial LETTER from the Court of Directors of the East India Company, to the Governor General in Council of *Bengal*, dated the 25th of April 1806; Paragraph 24.

EXTRACT JUDICIAL LETTER TO BENGAL;

Dated the 25th April, 1806.

Para. 24.—THE nefarious and dangerous crime of perjury, we are much concerned to find, continues to prevail in all the divisions, and even increases to such a pitch as to baffle and perplex the judicial proceedings of the Courts; so that the Judge receives all oral testimony with distrust, and is frequently obliged to investigate the character of the witness more closely than that of the criminal. A most flagrant instance of this nature is stated by the Judge of the Patna Court of Circuit, in his Report on the completion of the extra Sessions of that Division, in February 1804; where, on a trial for murder, after a brahmin had deliberately, in the most solemn form, sworn to and described the number and nature of the wounds inflicted on two persons, whom he had also sworn to have been murdered, these two persons were produced in Court alive and unhurt. The little obligation attached by the natives to an oath, seems to proceed, in a great degree, from the nature of their superstition and the degraded characters of their deities, as well as the almost entire want of moral instruction among them; and this points to the necessity of other remedies, as well as the most rigorous punishment of a crime so hurtful to society as perjury.

— No. 6.—

EXTRACT of a LETTER from the Court of Directors of the East India Company, to the Government of *Fort St. George*; dated the 23d January 1805; Paragraph 16.

EXTRACT PUBLIC LETTER TO FORT ST. GEORGE;

Dated 23d January 1805.

Para. 16.—THE Society for promoting Christian Knowledge, who support the Protestant mission on the Coromandel Coast, have communicated to us an Extract of Advices from their Missionaries, in which it is stated, that the native converts to Christianity in the district of Tinnevelly, had been exposed to very severe persecution from their heathen neighbours, and from some of the native officers employed in the collections. This account we do not understand to have been transmitted in the nature of a complaint to be prosecuted here, but to be made part of the details which are usually given by the Missionaries; still less was it intended to reflect on the European servants of the Company; because it adds, that on a representation of the grievances of the native Christians to the Collector, he interposed his authority to stop the injustice and malevolence exercised towards them. Mr. Lushington, now in England, who was then Collector, and appears to have maintained just sentiments against persecution, on the score of any religion existing under the Company's Government; though he ascribes the animosity towards those who became Christians partly to other causes, also asserts, that he issued positive injunctions not to disturb them on account of the faith they embraced; but the Society, alarmed lest similar instances of persecution should hereafter occur, have expressed a hope, that we will give orders which may prevent every thing of this kind, and protect the persons and the labours of their Missionaries in the discharge of the important duties with which they are entrusted.

No. 6.

Extract of Letter from the Court of Directors to the Government of Fort St. George; 23 January 1805.

Satisfied that there has been no intention in our Government to act otherwise, we think it requisite only to state, that as we have never countenanced any species or degree of religious intolerance in the countries subject to our authority; and Mahomedans, Parsees, Hindoos, in all their varying sects, have been permitted to follow their separate persuasions without molestation; so it can be no question, that all who profess the Christian faith, whether of European, Armenian, or Indian race, should enjoy the like privilege and protection; therefore officers of every rank, Europeans and natives, employed in the administration of our affairs, should conform themselves to these general principles, from which any deviation, past or future, must excite our disapprobation; and whilst those officers are careful to secure the obedience and the revenue due to Government, they should be the defenders of every subject against injurious treatment on a religious account; and with regard also to the Missionaries, so long as they conduct themselves in a prudent and upright manner, as they appear hitherto to have done, we cannot doubt that their persons will be duly respected.

—No. 7.—

EXTRACT of a LETTER from Lieutenant Colonel *Wilks*, Acting Resident of *Mysore*, to the Chief Secretary of the Government of *Fort St. George*, dated 4th of March 1807, on the subject of the HINDOO RELIGION.

EXTRACT, FORT ST. GEORGE, PUBLIC CONSULTATIONS;
13th March 1807.

EXTRACT from Letter of Lieut. Col. Wilks, acting Resident at Mysore, to the Chief Secretary to the Government of Fort St. George, dated Mysore, 4th March 1807.

THE religion of the Hindoos is usually represented as unchanged and unchangeable. Perhaps the religious history of Europe is scarcely less pregnant with revolutions, and unhappily (contrary to another erroneous opinion) no country on earth furnishes the records of such sanguinary persecutions as those which have been achieved by the brahmins of India.

—No. 8.—

EXTRACTS, or so much of the CORRESPONDENCE of the Governor General in Council of *Bengal*, with the Court of Directors of the East India Company, as relates to the Abolition of the Practice of SACRIFICING CHILDREN at *Saugor* and other places.

EXTRACT BENGAL JUDICIAL CONSULTATIONS;
the 18th February 1802.

(Criminal.)

(No. 2.)

Calcutta Magistrates,
To the Honourable G. H. BARLOW, Esq. Vice President in Council.

HONOURABLE SIR,

WE think it our duty to submit to your consideration the enclosed Copy of a Deposition, delivered at the Police by Mr. C. Sterling.

2. The

2. The deponent, in substance, states, that being at Sagor, on the day of the full moon, in the month of November last, he was a witness to several human sacrifices offered, as he represents, to the sharks; and that the victims consisted of old men, old women, and children.

3. Other depositions have been taken, some on oath, and some without an oath, to the same effect.

4. Having made the circumstances above-mentioned an object of our particular attention, it appears that the sacrifices are, as stated in the depositions, of two descriptions; of aged persons, of both sexes, which are voluntary, and of children, which, of course, are involuntary; and that the periods fixed for the performance of them, are at the full moon in November, and in January.

5. The custom of sacrificing children is confined to the people of the eastern districts. The practice arises from vows made by their parents, who, when apprehensive of not having issue, had promised, in the event of their having five children, to devote the fifth, in its infancy, to the Ganges.

6. It might be supposed, that superstition could not be carried further: the following, however, is an incident in which the dictates of bigotry appear to be still more strongly opposed to the sentiments and feelings of nature. Apprehensions being entertained, lest these sacrifices might, at a future period, be prevented by the police, a boy of about twelve years of age, who, we have reason to believe, was not the fifth child, and who, consequently, according to the strict letter of the vow, was not liable to be sacrificed, was thrown into the Ganges. The boy having saved himself by swimming, a Gosayn endeavoured to extend to him his protection; but, singular and unnatural as it may appear, he was again seized, and committed to destruction by his own parents *.

7. We have before stated, that the above sacrifices take place at Sagor, which island is held to be peculiarly sacred, from its being considered as the termination of the Ganges, and as the junction of that river with the sea. The spot where these rites are administered, is described in Major Rennels's map, under the title of 'The Place of Sacrifice.'

8. Sagor is not the only place where rites of the above nature are performed. The same practice prevails at Illahabad, at Baumsbarid in the zillah of Hooghly, and at Chogdah in the zillah of Nuddeah. We have reason to believe, however, that at those places it is become, for the most part, a mere ceremony; and that the children, though thrown into the Ganges, in conformity to the vow of their parents, are, generally, if not uniformly, rescued from destruction.

9. It does not appear that sacrifices of this nature are sanctioned by any tenet of the Hindoo code. What, however, has the force of a religious dogma, is the vow itself, and usage; which, in the opinion of the Hindoos, is equally binding as a written law.

10. The practice appears to be little countenanced by the religious orders, or by the great body of the people; who, on the contrary, think it a pious and meritorious act to rescue a child from destruction, and afterwards to adopt and maintain it at their own expense.

11. Not having been in possession of any information regarding the sacrifices in the month of November last, the sacrifices took place at that period without any interference on the part of the Police; when the number of victims destroyed amounted to no less than thirty-nine. In the past month, however, we sent a party to prevent a repetition of these barbarous rites; and are happy that the duty was effectually performed, without any disturbance or opposition whatever.

12. In considering the means best adapted for preventing a practice so repugnant to nature and humanity, we observe, that it would be consistent with precedents already established, to propose a regulation for the prevention of such sacrifices in future; but as we have no reason to suppose that the practice was authorized under the Mogul Government, as it was never sanctioned under the British Government, and as the parties concerned are liable to be tried and punished according to the established laws, we presume it would be sufficient to issue a proclamation, notifying, that any persons who may be parties to such sacrifices, will be tried and punished for the offence, according to the general laws and regulations of the country.

13. The foregoing remarks and suggestion are applicable only to the involuntary sacrifices of children. With respect to the self-devotion of the aged and infirm, in the Ganges, the practice prevails so generally, and is considered by the Hindoos, under certain circumstances, so instrumental to their happiness, in a future state of existence, that we doubt whether any rules which could be adopted would prevent a practice rooted in the most remote antiquity, and sanctioned by express tenets in their sacred books.

14. We take this opportunity of recommending, that the island of Sagor be declared subject to the jurisdiction of the Magistrates of the 24 Pergunnahs; it appearing to us, that

* The above circumstance serves to shew how erroneous the account was which was published regarding these sacrifices, in the India Gazette of the 21st December 1801.

No. 8.

Extracts of Correspondence relating to the Sacrificing Children.

that although the distance from Calcutta is considerable, yet that the communication ca be more easily maintained by means of the river, from Calcutta than from Midnapore; to which zillah it is at present considered to appertain. On the same grounds it may possibly appear to you expedient, that the civil jurisdiction of the island should be annexed to the zillah of Hooghly.

15. We beg leave to add, that a dispute having arisen among the Gosayns, regarding the partition of the amount collected from the pilgrims, the money was deposited with the police officers; and as the same differences still exist, we are at a loss in what manner to dispose of it. We shall, therefore, refer the parties to the Adawlut to establish their claim, or shall make such other appropriation of the money, as you may be pleased to direct. These contributions are levied from the pilgrims and shopkeepers resorting to Sagor for the performance of the above and other religious ceremonies, by the Gosayns, who derive their title thereto from a sage named Capila, who is supposed to have lived two thousand years before Christ,

We have the honour to be,
&c. &c.

Police Office, Calcutta,
17th Feb. 1802.

(Signed) *C. Dowdeswell,*
C. F. Martyn,
W. C. Blaquiere,
A. Macklew,
Edd Thoroton.

(No. 3.)

THE Information and Deposition of Charles Starling, a mate in the pilot service, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the Town of Calcutta, at Fort William in Bengal, the nineteenth day of December 1801; who, on his oath, saith, That on the day of the full moon in November last, this deponent, and Edmund Bartlett, branch pilot, went from the Philip Dundas schooner on shore to the Pagoda Creek on Saugore island, where the people, as this deponent is informed, go annually to worship. That after this deponent and the said Edmund Bartlett got on shore, they walked up to the huts of the natives, and after being on shore for an hour, they saw the entrails, as they supposed to be, of a human body, floating on the water; and at the same time they also saw about three thousand natives on the beach, as near as this deponent can guess. This deponent further saith, That a fakeer, who was standing close to this deponent and the said Edmund Bartlett, this deponent asked him, the said fakeer, the reason why a number of the natives were ordered to be put into the water; he answered, that the head fakeer had ordered them to go to the water, to be devoured by the sharks, for the prosperity of their respective families. He, the said fakeer, also informed this deponent, that if a woman had four children, she ought to put one of them into the water, to be devoured by the sharks, with the hope that the three other children should live. This deponent further saith, That while this deponent was on the beach, and during the time that he was in the boat going to the shore, this deponent saw altogether eleven men, women, and lads, destroyed by the sharks. This deponent further saith, That while they, this deponent, and the said Edmund Bartlett, were in the boat, they heard that a boy was to be put into the water, to be destroyed by the sharks: they waited there with an intention to save the boy, but he was not put into the water while the boat was there; and this deponent is informed and believes, that as soon as they returned to the schooner, the boy was also put into the water, and was destroyed by the sharks.

(Signed) *Cha, Sterling.*

Sworn the day and year first above written, before me,

(Signed) *C. F. Martyn.*

Resolved, That the following Letter be written to the Nizamut Adawlut.

(No. 4.)

To T. H. Colbrooke and J. H. Harington, Esq.
Puisne Judges of the Nizamut Adawlut.

Gentlemen,

THE Vice-President in Council has the honour to transmit to you a Copy of a Letter, and of its Enclosure, from the Calcutta Magistrates, reporting a practice which prevails at the island of Sagor, of offering human sacrifices to the Ganges.

2. The Vice-President in Council, deeming it necessary that the most effectual measures should be taken for preventing the observance of this inhuman and criminal rite in future, requests that you will take the subject into your consideration, and that you will transmit to him the draft of a regulation for preventing the sacrifice of children at Sagor, or at any other place where the same practice may prevail.

We have the honour to be, &c.

Fort William,
18 Feb. 1802.

Ordered, That the Magistrate of Midnapore be directed to report, whether he is aware of any objection to the island of Sagor being separated from his jurisdiction, and annexed to the 24 pergunnahs.

Ordered,

No. 8.

Extracts of Correspondence relating to the Sacrificing Children.

Ordered, That the Calcutta Magistrates be informed, That the necessary measures will be adopted for preventing the inhuman and criminal practice of sacrificing children at Sagor in future; and that they will hereafter be furnished with orders, upon their suggestions regarding the jurisdiction of that island.

EXTRACT BENGAL JUDICIAL CONSULTATIONS,

20th August, 1802. (No. 18.)

(Criminal; Nizamut Adawlut.)

To His Excellency the Most Noble RICHARD Marquis WELLESLEY, K. P. Governor General, &c. &c. &c.—Fort William.

My Lord,

IN compliance with the desire expressed by the Honourable the Vice-President in Council, in his Letter of the 18th February last, we have prepared, and have now the honour to transmit, the draft of a Regulation for preventing the Sacrifice of Children at Saugor and other places.

We have the honour to be, with respect, &c.

Fort William, the 20th May 1802. (Signed) *H. Colebrooke*, *J. Harrington*.

A. D. 1802. REGULATION VI.

A REGULATION for preventing the Sacrifice of Children at Saugor and other places. Passed by the Governor General in Council, on the 20th August 1802; corresponding with the 5th Bhadoon 1209 Bengal era; the 7th Bhadoon 1209 Fussily; the 5th Bhadoon 1209 Willaity; the 8th Bhadoon 1859 Sumbut; and the 20th Rubbee us Saanee 1217 Higeree.

IT has been represented to the Governor General in Council, that a criminal and inhuman practice of sacrificing children, by exposing them to be drowned, or to be devoured by sharks, prevails at the island of Saugor, and at Bansbaryah, Chaugdah, and other places on the Ganges. At Saugor, especially, such sacrifices have been made at fixed periods, namely, the day of full moon in November and in January; at which time, also, grown persons have devoted themselves to a similar death. Children, thrown into the sea at Saugor, have not been generally rescued, as is stated to be the custom at other places; but the sacrifice has, on the contrary, been completely effected, with circumstances of peculiar atrocity in some instances. This practice, which is represented to arise from superstitious vows, is not sanctioned by the Hindoo law, nor countenanced by the religious orders, or by the people at large; nor was it at any time authorized by the Hindoo or Mahomedan governments of India. The persons concerned in the perpetration of such crimes, are therefore clearly liable to punishment; and the plea of custom would be inadmissible in excuse of the offence. But, for the more effectual prevention of so inhuman a practice, the Governor General in Council has enacted the following Regulation to be in force, from the promulgation of it, in the provinces of Bengal, Behar, Orissa, and Benares.

The offence of destroying persons not arrived at maturity, by throwing them into water, declared murder, and punishable with death. Trials of principals and accomplices in the offence to be referred to the Nizamut Adawlut. That court how to pass sentence. To report to Government prisoners esteemed deserving of mercy.

II. If any person or persons shall wilfully, and with the intention of taking away life, throw or cause to be thrown, into the Sea, or into the river Ganges, or into any other river or water, any infant, or person not arrived at the age of maturity, with or without his or her consent, in consequence whereof such person so thrown into water shall be drowned, or shall be destroyed by sharks or by aligators, or shall otherwise perish; the person or persons so offending, shall be held guilty of wilful murder, and, on conviction, shall be liable to the punishment of death; and all persons aiding or abetting the commission of such act, shall be deemed accomplices in the murder, and shall be subject to punishment accordingly. The trials of prisoners convicted as principals or accomplices of the crimes specified in this section, shall be referred to the Court of Nizamut Adawlut; which is to pass sentence thereupon, according to Section 75. Regulation IX. 1793, whatever may be the futwah of the law officers of that court; or report to the Governor General in Council the case of any prisoner who may appear to that court to be a proper object of mercy; in conformity with Section 79. Regulation IX. 1793.

In cases where the persons thrown into the water shall escape death, the offence deemed a high misdemeanor, and punishable by [temporary imprisonment, to be adjudged by] Courts of Circuit.

III. If a child, or any person not arrived at maturity, be thrown into water, as stated in the preceding section, and be rescued from destruction, or by any means escape from it, the persons who shall have been active in exposing him or her to danger of life, and all aiders and abettors of such act, shall be held guilty of a high misdemeanor, and, on conviction, shall be liable to such punishment as the Courts of Circuit, under the futwah of their law officers, may judge adequate to the nature and circumstances of the case.

Magistrates to be vigilant against the practice, and to proclaim the provisions of this Regulation.

IV. The Magistrates of districts, wherein the sacrificing of children may have been hitherto practised, are required to be vigilant to prevent the continuance of the practice; and shall cause the provisions of this Regulation to be from time to time proclaimed at the places, and in the season, where and when such sacrifices have hitherto been effected.

No. 8

Extracts of Correspondence relating to the Sacrificing Children.

EXTRACT JUDICIAL LETTER FROM BENGAL;

dated 30th September 1802.

Para. 43.—HIS Excellency in Council has the honour to forward to your Honourable Court, ten printed copies of the under-mentioned Regulations, passed during the course of the present year.

REGULATION VI. 1802.

A REGULATION for preventing the Sacrifice of Children at Saugor and other places.

EXTRACT JUDICIAL LETTER TO BENGAL;

dated September 14th 1803.

Letter from dated 30th September 1802.
43. Forwarding printed copies of Regulations.

28. WE are not aware of there being any objection to the several Judicial Regulations described in this paragraph; but feeling a general interest in the cause of humanity, and a particular one in whatever respects the natives of India who are subject to the British Government; we deem it incumbent upon us to express our entire approbation of the 6th Regulation of 1802, which has for its object the prevention of the criminal and inhuman practice, which prevails at the Island of Saugor and other places, of sacrificing children at certain periods, by exposing them to be drowned, or to be devoured by sharks. We rely upon the most vigilant attention on the part of the officers of the Police for carrying the Regulation into complete effect.

—No. 9.—

EXTRACTS of the CORRESPONDENCE of the Governor General, and of the Governor in Council of *Bombay*, with the Court of Directors of the East India Company, so far as relates to the Abolition of the Practice of INFANTICIDE in the Districts of *Juanpore*, *Guzerat*, and *Kutch*.

BENGAL REGULATION XXI. 1795.

EXTRACT REGULATION for preventing Brahmins, in the province of *Benares* establishing Koorhs, wounding or killing their Female Relations or Children, or setting Dhurnah; and for preventing the Tribe of Raujekoomars in that province killing their Female Children.—Passed by the Governor General in Council, on the 28th August 1795.

Preamble.—THE reverence paid by the Hindoos to Brahmins, and the reputed inviolability of their persons, and the loss of or prejudice to caste, that ensues from proving the cause of their death, have in some places in the province of Benares, and more especially in the pergunnahs of Kuntit and Budhoee, being converted by some of the more unlearned part of them, into the means of setting the laws at defiance, from the dread and apprehensions of the persons of the Hindoo religion, to whose lot it must frequently fall to be employed in enforcing against such Brahmins any process or demands on the part of Government. The devices occasionally put in practice, under such circumstances, by these Brahmins, are, lacerating their own bodies, either more or less slightly, with knives or razors; threatening to swallow, or, sometimes actually swallowing poison, or some powder which they declare to be such; or constructing a circular inclosure called a Koorh, in which they raise a pile of wood or of other combustibles, and betaking themselves to fasting, real or pretended, place within the area of the koorh an old woman, with a view to sacrifice her, by setting fire to the koorh, on the approach of any person to serve them with any process, or to exercise coercion over them on the part of Government or its delegates. These Brahmins likewise, in the event of their not obtaining relief within a given time, for any loss or disappointment that they may have justly or unjustly experienced, also occasionally bring

bring out their women or children, and causing them to sit down in the view of the Peon, who is coming towards them on the part of Government or its delegates, they brandish their swords, and threaten to behead or otherwise slay these females or children on the nearer approach of the Peon; and there are instances, in which from resentment at being subjected to arrest or coercion, or other molestation, they have actually not only inflicted wounds on their own bodies, but put to death with their swords, the females of their families or their own female infants, or some aged female procured for the occasion. Nor are the women always unwilling victims; on the contrary, from the prejudices in which they are brought up, it is supposed, that in general they consider it incumbent on them to acquiesce cheerfully in this species of self-devotement, either from motives of mistaken honour or of resentment and revenge, believing that after death they shall become the tormentors of those who are the occasion of their being sacrificed. On similar principles, these Brahmins, to realize any claim or expectation, such as the recovery of a debt, or for the purpose of extorting some charitable donation, frequently proceed either with some offensive weapon or with poison, to the door of another inhabitant of the same town or village, and take post there in the manner called Dhurna; and it is understood, according to the received opinions on this subject, that they are to remain fasting in that place until their object be attained, and that it is equally incumbent on the party who is the occasion of such Brahmin's thus setting, to abstain from nourishment until the latter be satisfied. Until this is effected, ingress and egress to and from his house are also more or less prevented; as, according to the received opinions, neither the one nor the other can be attempted, but at the risk of the Brahmin's wounding himself with the weapon, or swallowing the powder or poison with which he may have come provided. These Brahmins, however, are frequently obliged to desist, and are removed from setting dhurna by the officers of the Courts of Justice, without any ill consequences resulting; it having been found by experience, that they seldom or ever attempt to commit suicide or to wound themselves or others, after they are taken into the custody of Government. The rules and measures adopted for putting a stop to these abuses, and for preventing the revival of the still more savage custom, which until within these few years had been generally prevalent amongst the tribe of Raujekoomars, inhabiting the borders of the province near Juanpoor, of destroying their infant female children, by suffering them to perish for want of sustenance, are hereby enacted, with modifications, into a Regulation.

Section XIII.—In the month of December 1789, the tribe of Raujekoomars having bound themselves to discontinue the practice of causing their female infants to be starved to death; it is now accordingly ordained, That from the establishment and opening of the City and Zillah Courts, and of the Court of Circuit in Benares, if any Raujekoomar shall designedly prove the cause of the death of his female child, by prohibiting its receiving nourishment, as set forth in the preamble to this Regulation, or in any other manner, the Magistrate, on receiving information thereof upon oath, or such other information or proof as he shall deem sufficient to render the charge highly probable, shall cause such Raujekoomar to be apprehended in the manner prescribed, and make the enquiry ordered in Section 5. Regulation IX. 1793; when, if it shall appear to the Magistrate that the crime has been actually committed, and that there are grounds for suspecting the prisoner to have been concerned in the perpetration of it, the Magistrate shall cause him to be committed to prison, to be tried before the Court of Circuit, and shall at the same time take all the other precautions required in the Section and Regulation last quoted, relative to securing the attendance of the original complainant or informant, and of the witnesses; and the prisoner shall be tried accordingly, in the manner directed in Regulation IX. 1793, and Regulation XVI. 1795, with respect to other cases of murder.

EXTRACT BOMBAY POLITICAL CONSULTATIONS;

20th May 1806.

EXTRACT of Letter from the Governor in Council of Bombay, to the Governor General in Council; dated 15th May 1806.

Para. 52.—ANOTHER object, which the expedition might have in view, would be, an attempt to reform the manners of several of these chieftains, who, in common with the Jerajah tribe in the contiguous country of Cutch, put their female children generally to death as soon as they are born. Of this fact we have received too many concurrent testimonies, to admit of hesitation in the belief of its prevalence; and the accompaniment marked in the margin will be found to contain such official proceedings as we have hitherto held, respecting a discovery so deplorable and humiliating to the human race. (No. 10.)

EXTRACT of Letter from Major Walker, Resident at Baroda, to the Governor in Council of Bombay; dated 27th May 1805.

Para. 5.—IT may not be superfluous to observe, for the information of the Honourable the Governor in Council, that both these families came originally from Boojee, but have been established, from a remote period, in Kattywar; the Imaum is a title or surname

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Extracts of Correspondence relating to the abolition of Infanticide in Juanpore, Guzerat, and Kutch.

assumed only by the elder branch; and that both are distinguished by the no less extraordinary than barbarous practice of putting their female children to death in their infancy.

With respect to the usage above adverted to, of female Infanticide, it is known to be equally practised among all the Jarajahs, or those who are of the same caste with the family of the present Rajahs of Cutch, besides being probably diffused more or less amongst several other classes on the borders of that country; into all which Major Walker is to be desired to cause full enquiry to be made, with a view to ascertain whether these people might not, by persuasion, be restrained from a practice so abhorrent of all principle and natural feeling; particularly in as far as the same may be found any where to exist within the Gnicawars or the Paishwas, or our own part of Guzerat, in which a beginning might be made, by inducing the parties to sign to such an agreement as our President took in 1789, from a like race of Infanticides called Ranjee Koomars, in a remote district of the division of Benares then under his charge: of which some account, and a copy of the said deed or writing, will be found in a deputation from Lord Teignmouth, in one of the volumes of the Asiatic Researches, of which the Resident is to be furnished with a manuscript copy, desiring him thereon to communicate with Sunderjee Sheojee, of Mandavee in Cutch, now on his way to Baroda, and endeavour to gain his assent to becoming our agent for effecting the abrogation, in that quarter, of so detestable and atrocious a custom.

EXTRACT from the Proceedings of the Honourable the Governor in Council of Bombay, in the Political Department; under date the 1st of November 1805.

[READ the following Letter from the Resident at Baroda; with two Enclosures.]

To F. WARDEN, Esq. Secretary to Government, Bombay.

SIR,

1. I HAVE the honour to enclose, for the information of the Honourable the Governor in Council, a translation of a Letter, received from Sunderjee Saujee of Cutch; communicating some particulars relative to the practice of female Infanticide among the tribe of Jarajahs, and some information on the state of affairs among the chieftains bordering on the gulph of Cutch.

2. The Honourable the Governor in Council will observe with regret, that so large a number of innocent children annually suffer, from the prevalence of the barbarous custom of female Infanticide, among the caste of Jarajahs; but the custom seems limited to that tribe who inhabit Cutch and Kattywar, as I have not been able to trace its existence among any other people of Guzerat.

3. I have the honour to enclose a copy of a Letter, written to Sunderjee on the subject of this custom; but I fear the humane attempt of the Honourable the Governor in Council will not be successful, to any great extent, in restraining the superstitious and religious prejudices of a tribe, which are so far removed from the authority of the British Government, and so little acquainted with the principles of improved society.

I have the honour, &c.

Baroda, 1st September 1805.

(Signed) *A. Walker*, Resident.

TRANSLATION of a Letter from Sunderjee Saujee of Cutch, to Major Walker; dated the 17th Jemodurlawa, or 13th August; received in Baroda the 13th.

YOUR favoured Letter, relative to ascertaining the sentiments and designs of the Chieftain of Dherole, as the views of the Company are directed towards him; as also relative to the establishment of the fact of the caste of Jarijahs drowning their daughters in milk on their birth, and why they do not permit them to live; and concerning your health; arrived in due time: its contents were understood.

After visiting Dherole, and ascertaining the circumstances above mentioned, according to your desire, I will write the same in detail, and dispatch them for your information; for I am obedient to your orders, and will not deviate.

The drowning of the daughters of the Jarijahs proceeds from this cause. In this country there is no one who can marry into the tribe of Jarijahs; wherefore they drown their daughters; and there may be annually five or 600 births among the Jarijahs, in as much as the Chieftains of Moorbee, Holder, Gendul, Wagen, Cutch, and Kutchacot, are all *Jarijahs*, and are all related; and among relatives it is not customary for Hindoos to marry: except relatives, there are none of their own tribe.—Such is the custom of the Jarijahs.

From Major WALKER to SUNDERJEE.

I HAVE been favoured with your Letter of the 17th of Jumaduilawell; communicating your intentions of proceeding to the Dherole country, whenever the season for purchasing horses arrives, and detailing some customs of the caste of Jarijahs.

I have to request, that on this interesting subject you will, in your next Letter, be more particular, and detail every circumstance relative to the inhuman custom, which is practised by the Jarijahs, in putting their female children to death in their infancy.

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The prevalence of such a barbarous custom must be a subject of regret to all the friends of humanity, and the more so to the British Government, whose views being ever directed to promote the happiness of their own subjects and neighbours, cannot learn without horror, that five or 600 innocent children are annually put to death; who, if suffered to live, would contribute so much to increase the population, and the consequent prosperity of the country in which they abide.

This custom is the more extraordinary and reprehensible, as it is expressly forbidden by the Hindoo laws, and in the Brimha Bywant Poorant is called a great crime. In the Pooran it being written, that killing even a fœtus is as criminal as killing a brahmin, and condemns the perpetrators to suffer in the hell called Nerk, for as many years as there are hairs on the child's body.

It would therefore be a very acceptable service to humanity, highly gratifying to Mr. Duncan and the British Government, and honourable to yourself, if you could exert your influence to put a stop to such a barbarous custom.

When the Honourable Mr. Duncan was in charge of the province of Benares, he put a stop to the custom, which was then practised by a caste called Raujee Koomars, by getting the caste to sign an agreement, by which any one, who committed this crime, should be expelled from the tribe, and neither eat, drink, or sleep, with the members of it; besides suffering the punishment denounced in the Pooran. If such an agreement could be executed in Cutch, it would probably be effectual.

To Mahomed Seth you may return an answer of civility, but give him no assurances. I am anxious to hear from you about the business between Molive Mahomed Ali and Hunsraj Sa.

(Signed) *A. Walker.*
Resident.

Baroda,
1st Sept. 1806.

REPORT from the SUPERINTENDENT of POLICE.

DAMAJEE CUTCHERAJ, a respectable merchant of Cutch, informs me it is very true that the Jarejah tribe, in the district of Cutch, do very generally put their female infant children to death the instant they are born; the Rajah of Cutch follows this practice in his family, as also the Rajah of Jamnuggur, the Rajah of Moorbee, and the others in general; some, however, amongst this tribe, from a sense of the wickedness of the crime, and being good moral men, preserve their female children, but these are few in number. Their reason, as he has heard, for this abominable practice is, that the fathers do not wish their daughters to obey their husbands, being of a bold, domineering, proud spirit. On being asked, where the men of this tribe get wives, he informs me, from the other Rajapoot tribes. On being asked, how their infants are destroyed, he says, he has heard, that when a woman is in labour, a large pot of milk is brought and placed in the room, and if an unfortunate female is produced, the nurse immediately puts it into the pot of milk, and drowns it. That he has frequently asked the poorer class of this tribe, how they put their female children to death, and they have always answered, by making them drink milk; alluding to their being thrown into the pot of milk. The midwives are the only persons accessary to this horrid deed, and this is their language. He has never known any Jarejah families in Bombay. They have little or no trade, seldom go abroad, and live principally by the produce of their lands, and as soldiers. Dhunbhoy, an old nurse from the district of Cutch, informs me, that she never was employed as a nurse in any of the Jarejah families in that district, but her grandmother was, and she has heard her often declare, that whenever a female child was born, the unfortunate infant was put into a cudjeree pot of milk, with its head uppermost, along with the afterbirth, and thus immediately destroyed; on the contrary, when a son was born, great rejoicings were made, by feasting their friends, &c. She declares she knows no cause how this extraordinary custom arose, but has heard, that being a tribe of the Rajapoot caste, they do not wish that their females should obey any one: independent of this, no one likes to take a female of this tribe into their family, as it is reckoned very unlucky to have any thing to do with them, and in general it is but too often verified.

This is the result of my enquiries.

(Signed) *S. Halliday.*

RELATION by SUNDERJEE SHEUJEE, of the part of Mundavee in the country of Cutch.

IT is notoriously known to be the established practice among those of the Jarejah tribe, in the country of Cutch, and adjoining districts of Kattywar (in the peninsula of Guzerat) not to bring up their daughters, but to put them to death at their births. The legend that I have heard, as accounting for this strange practice, is as follows:

In former times, it so happened, that to one of the head men of these Jarejahs several female children were born; and as, among the Hindoos, it is incumbent to provide husbands for their daughters, whilst these latter are yet in their nonage, the Jarejah chieftain abovenamed, applied accordingly to his family brahmin to pursue the necessary measures for getting the said Jarejah's female children contracted in marriage, with the sons of his equals in the tribe, and of like valour and power, as he possessed.

The brahmin, after making every enquiry, and going about to every place in quest of

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suitable matches for these children, returned without effecting his object; reporting thereon to the chieftain in question, that although he had exerted all his endeavours to find proper alliances for his female children, still he (this brahmin) had not traced any one who was of competent qualifications to be his son-in-law; wherefore (added the brahmin) since to retain these your female offspring in the family house, after their arriving at the age of womanhood, is contrary to the rules of religion, I will take them with me, and burn them in the fire, on condition that it be stipulated on your part, to destroy at their birth all issue of the same sex, that shall hereafter be born in your family; laying hereon, as I now do, my solemn malediction, both here and hereafter, on you and yours, if you fail to perform the same, in such manner, that if you shall preserve any of your future daughters, they shall pass their lives in penury and want; nor shall good attend the father or the mother of such children.

It is further reported, that after thus speaking, that brahmin took away those innocent girls, and consumed them in the flames; and that, in conformity to the stipulation and denunciation aforesaid, the people of the Jarejah tribe, dwelling in the country of Cutch, and in the pergunnahs of Hallar and other places within the contiguous peninsula of Guzerat, have, to the present day, continued to adhere to the practice in question; whereby, whenever a daughter is born to them, they do forthwith put these helpless babes, without compassion or pity, to death, *placenta supernares os que incumbente*, without allowing of their surviving for the shortest space.—Examination thereon of Sunderjee.

2. It has been understood, that Adeeba, the daughter of Ralahajee, a former Rajah of Cutch, was married to one of the Guicowar Rajahs; whence it is to be concluded, that the practice of the Jarejahs killing their daughters is not without exception.

Answer. That is true; and Adeeba is still surviving at Booje, the capital of Cutch; yet there are, nevertheless, but few exceptions, such as in this instance, to the general rule, because, from the effect of the malediction pronounced, no good ensues from their preservation; in so much that if any daughters of this tribe get married into other houses, the gain in such houses becomes less plentiful; nor do such women produce sons, but are the occasion of feuds arising in the families into which they are thus transplanted. Throughout all the country of Cutch there may be six or eight houses wherein the Jarejah masters of families bring up their daughters, or otherwise the practice is general; and besides what happens within the limits of that country, the Jarejah chieftains of Mooroee (written also Moorbe) Goondul and Jamnagurs, in the peninsula of Guzerat, do also kill their female infants.

There is an instance of Neesagee, the Kakerwalla chieftain of Cutch, having given his daughter in wedlock to Gholaum Shek, one of the former Mahomedan rulers of Sciardee, of the Kollera tribe, an event that must have happened forty years ago. But, at this period, this Kakerwalla family do not bring up their female infants: those who occasionally do so, are induced to it by the consideration of thereby acquiring the merit of having sons born to them; as, for instance, when a man has a succession of female children produced in his family, he will, at the suggestion of any one, be induced to believe, that by sparing and bringing them up, sons will also be acquired to him; whence, chiefly, Jarejah daughters are sometimes met with; of which there is, within my recollection, another instance in the case of the Rose Chieftain of Cutch, by name Vizragee, who has married a daughter of his to the son of Attabye, the Rajah of Bhownaghurs. That lady may now be about 20 or 22 years of age; but I have not heard that she has yet had any male issue, but that, on the contrary, her husband and she do not agree.

EXTRACT POLITICAL LETTER TO BOMBAY;

Dated 30th August 1809.

Para. 6.—WE cannot quit this subject of the Kattywar expedition, without expressing our entire approbation of your having instructed Major Walker to prevail upon the several chieftains in that district to renounce the horrid practice of destroying their female infants. We have the consolation to observe, that in consequence of Major Walker's interference, several of these chieftains have, by the execution of a most solemn deed, renounced this shocking custom in future.

EXTRACT BOMBAY POLITICAL CONSULTATIONS;

6th January 1810.

[Read the following Letter from the Resident at Baroda, with Enclosures.]

Honourable Sir,

1. DURING the recent expedition into Kattywar, I was not unmindful of enquiring into the success of the humane arrangements introduced under the influence of the Honourable Company's Government for the abolishment of Female Infanticide among the Jahrajah Rajpoots, and I am happy to report, that this reform has completely taken root.

2. I have

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Extracts of Correspondence relating to the abolition of Infanticide in Juanpore, Guzerat, and Kutch.

2. I have the honour to enclose a list of those Jahrajahs who have preserved their female children, which fell under my own direct observance. On my halt at Dherole, I had all those in the immediate neighbourhood, who were capable of attending, brought to my tent, and many were too young to be brought to any distance. It was extremely gratifying on this occasion to observe the triumph of nature, feeling, and parental affection, over prejudice and a horrid superstition; and that those, who but a short period before would, as many of them had done, have doomed their infants to destruction without compunction, should now glory in their preservation, and doat on them with fondness.

3. The whole of the instances submitted in the accompanying list, have occurred since the execution of the engagements renouncing the practice of Infanticide; among these the Honourable the Governor in Council will observe the name of the Rajah of Moorhee, Kooer Dadajee, of Rajcote, and Kooer Wuctagee, of Dherole, and of several other men of rank and influence, whose example must have a most beneficial effect.

4. The list of lives which have been saved to the community by the humane interference of the Company's Government, might be very considerably increased by extending the enquiry into the Jahrajah villages, but this will be sufficient to shew that the preservation of female children has now become general. There is no reason to doubt of the final abolishment of this inhuman practice, when once the natural emotions of parental affection have resumed their sway: it may be reasonably expected that this cruel and barbarous prejudice will be condemned by those who formerly most strongly supported it.

5. As every anecdote relative to Infanticide is deserving of notice, it may be worthy of remark, that in Cutch there is a village inhabited by Jahrajahs, who have for many generations abstained from the universal custom of the caste, and preserved their female offspring.

6. This reformation has been produced in their manners by the influence of religion, and the presence of a temple of Vishnee in their neighbourhood. It is unnecessary to notice that the tenets of this sect inculcate a regard to animal life, and which have, in this case, extended their influence to the support of humanity.

7. I respectfully beg leave to submit to the consideration of the Honourable the Governor General in Council, a memorandum of disbursement made in presents to those Jahrajahs who had preserved their daughters, and who visited me at Dherole. The fund whence this disbursement is to be defrayed, is from the nuzzeranah exacted from the chieftain of Gondul, and which the Honourable the Governor in Council is already apprized included an amercement for the destruction of the female infant of that chieftain's son.

8. This arrangement is in conformity to the instruction of the Honourable the Governor in Council, and I respectfully trust it will be honoured with their approval and sanction.

I have, &c.

(Signed) *A. Walker*,
Resᵗ.

Baroda,
25th December 1809.

TRANSLATION of Memorandum, specifying those Jahrajahs who have preserved their Female Children.

Talooka Dherole.

1. Kooer Wuctagee.
2. Dadah Abegee.
3. Dadah Jetagee of Dherole Byaad.
4. Jarahjah Jetahgee of Jywah.
5. Dᵒ - Poonzajee of Lealah.
6. Dᵒ - Muckindjee of Sunsora.
7. Dᵒ - Mailajee of Dᵒ.
8. Dᵒ - Mootogee of Roofee Anna.
9. Dᵒ - Holajee of Dangur.
10. Dᵒ - Maroojee of Waogoodur.
11. Dᵒ - Bangee of Goolgaan.
12. Dᵒ - Punchanjee of Lealla.
13. Dᵒ - Desogee of Dᵒ.
14. Dᵒ - Jaymuljee of Razpoora.
15. Dᵒ - Jugoojee of Maigpoor.
16. Dᵒ - Byjee of Veperdee.
17. Dᵒ - Bharajee Dᵒ - Dᵒ.
18. Jarahjah Ajobjee of Anondpoor.
19. Dᵒ - Hallafu of Ajamchera.
20. D - Dosahjee of Bajorka.
21. D - Khaandajee of Babarah.
22. D - Dhooljee of Tulone.
23. Dᵒ - Jatajee of Dagarah.
24. Dᵒ - Mudlojee of Sunasooza.
25. Dᵒ - Jogajee of Dungra.
26. Huldore Marejee.
27. Jahrajah Imtajee.
28. Dᵒ - Jehajee of Rajcote.
29. Kooer Dudajee of Rajcote Byaad.
30. Jahrajah Jehajee, the Rajah of Moowee. a daughter just born.
31. Jalerajeh Jessagee of Jallia.
32. Kooer Dosajee of Kotaana Moorvee.

(Signed) *A. Walker*,
Resᵗ.

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Extracts of Correspondence relating to the abolition of Infanticide in Juanpore, Guzerat, and Kutch.

LIST of Enams and Presents to the daughters of the Jahrajahs; Talooka Dherole and Byaad.

Jarajah Wuctagee	- - - - - -	Rupees 300
D° - Bowagee's brother's daughter	- - - - -	250
- - - Dada Walojee	- - - - - - -	150
- - - D° - Jetajee	- - - - - - -	150
Jarajah Mailajee	- - - - - - -	150
D° - Pourzajee	- - - - - - -	200
D° - Jettajee	- - - - - - -	200
		1,400

(Signed) *A. Walker*,
Res^t.

Minute, 6th Jan.—We have read with interest and sympathy the preceding Report of the successful progress in the abolition of Female Infanticide, and we entirely approve of the measures which Colonel Walker has adopted, with a view to the advancement of that salutary and desirable object.

The acting Resident at Baroda to be also advised of these sentiments, for his future guidance in respect to the measures to be hereafter adopted, with reference to the future depression and ultimate extinction of this horrid practice among the Jarajah tribe in Kattywar.

EXTRACT PUBLIC LETTER TO BOMBAY;
Dated 26th October 1810.

Para. 5.—YOUR instructions to Lieutenant-Colonel Walker, to endeavour to prevail upon the several chieftains of Kattywar to renounce the horrid practice of Female Infanticide, have already had our entire approbation, as expressed in the 6th para. of our Political Letter to you, of the 30th August 1809; and it is with the deepest interest that we have perused Lieutenant Colonel Walker's Report, of the 25th December 1809, referred to in the 40th para. of your Political Letter, of the 31st January 1810; wherein we find, that the arrangements adopted by Lieutenant Colonel Walker, for the prevention of this barbarous custom, have been attended with success, and that the reform in the habits of the people, among whom the practice obtained had completely taken root, and that natural affection and parental feelings had so far begun to take place of prejudice and superstition, as to leave no doubt of the abolition of this inhuman practice being finally effected; and we cheerfully acknowledge Lieutenant Colonel Walker's merits, in having so successfully exercised himself in the general interests of humanity.

EXTRACT POLITICAL LETTER FROM BOMBAY;
Dated 31st January 1810.

Para. 40.—YOUR Honourable Court will peruse with interest and sympathy Colonel Walker's Report (dated 25th December) of the successful progress that has been already made in the abolition of the practice of Female Infanticide among the Jahrajah tribe in Kattywar; and we entirely approve of the measures which he has adopted, with a view to the further prosecution of this salutary and desirable object.

—No. 10.—

Copy of a REPORT made by the Reverend Dr. *Kerr*, Senior Chaplain of *Fort St. George*, to the Right Hon. Lord *William Bentinck*, dated *Madras*, 3^d November 1806; together with the Proceedings had thereupon.

EXTRACT FORT ST. GEORGE PUBLIC CONSULTATIONS;
the 27th June 1806.

The Right Honourable the President records the following MINUTE.

WE have a general knowledge that various sects of the church of Christ have been long established, and in great numbers, upon the western coast of the Peninsula. The first introduction

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introduction of Christianity into India, is one of the most interesting objects of historical research, and comes peculiarly within the description of information which the Court of Directors required in their dispatch, under date the

The actual state of these sects is, perhaps, our more immediate care. In the universal toleration of all religions allowed by the British Government, as to use a more proud expression, in the universal protection and support which has been given to all religions, we seem called upon, in the strongest manner, to take under our particular charge the whole Catholic Church of Christ. When we consider the broadly marked and essential distinction of the Mahomedan and Hindoo religions from Christianity; and when we consider the comparatively trifling divisions between the various sects of our own church, our first wish must be to see the followers of Mahomed and of Bramah embrace Christianity: their adherence to this or that church, is a point, in my opinion, of secondary consideration. The precepts of our own religion, not less than the real interests of that religion, and, as a Christian, I must also add, the real interests of the great population, require that all Christian sects shall live in charity one with the other; that they should abstain from those impious persecutions which, in the Western world, have so much injured the cause of religion, and which, more than any other cause, perhaps, established the success of Mahometanism: in short, that they should mutually support and befriend each other.

The residence of Dr. Kerr, in the Mysore, would seem to present a favourable opportunity of obtaining the requisite information; I would, therefore, beg leave to propose, that this gentleman should be requested to proceed, when the state of his health and the season may permit, to the other coast; and report to Government all such information, as he may be able to collect, of the first introduction of Christianity into India; of the arrival of the different sects who have been or may be in existence; of their general history; and of the persecutions to which they may have been exposed; of their success in making proselytes; of their church establishments, and of the sources from which they are maintained; and all other circumstances connected with this subject.

Fort St. George, 27th June 1806. Approved; and Ordered accordingly.

(Diary 28th.)

To the Reverend Dr. KERR, Senior Chaplain of Fort St. George.

REVEREND SIR,

THE Right Honourable the Governor in Council, being desirous of availing himself of your vicinity to the Malabar Coast, to obtain every possible information in regard to the establishment, &c. of the Christian religion in that part of the peninsula; I am directed, by his Lordship in Council, to desire, that so soon as the state of your health and the season will permit, you will proceed to the provinces on that coast; and that you will forward to me, for the information of Government, such accounts as you may be able to collect, of the first introduction of Christianity into India; of the arrival of the different sects who have been or may be in existence; of their general history, and of the persecutions to which they may have been exposed; of their success in making proselytes; of their church establishments; and of the source from which they are maintained; with all other circumstances connected with this important subject.

I have the honour to be, &c.

Fort St. George, 28th June 1806. (Signed) *G. G. Keble,* Sec^{y} to Government.

EXTRACT, FORT ST. GEORGE, PUBLIC CONSULTATIONS;

7th November 1806.

To the Right Honourable Lord W. C. BENTINCK, Governor in Council, &c. &c. &c.

MY LORD,

WHEN at Mysore, I was honoured by the receipt of Mr. Secretary Keble's letter, dated the 28th of June last, and finding my general health much improving, I resolved to proceed to the Malabar Coast, in search of the information required by your Lordship in Council, regarding the Christians inhabiting that part of the peninsula; an investigation which I have found as interesting, as it is important, whether it regards humanity at large, or as it it connected in a political view, with the British interests in this country.

To examine the extensive field pointed out for my enquiries minutely, would require much more of my time, than could be well spared from my other public avocations; and as I learned, that the Rev. Dr. Buchanan was nominated by the Government of Bengal to travel over the same ground for purposes somewhat similar, I did not think it incumbent on me to take up more than a general view of the subject, and I directed my attention accordingly, not so much to details, as to matters of comprehensive import.

The first object to which the orders of Government refer, is, to an account of the introduction of Christianity into this country.

There can be no doubt whatever, that the St. Thome Christians settled on the Malabar

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Coast at a very early period of the Christian Church, from whence they at one time spread, in various directions, as far even as Mileapore and St. Thomas's Mount; but to derive *authentic* information as to the time of their arrival, is at present no easy task.

From the confusion arising from the imperfection of Hindoo chronology, from the desire which these Christians have to derive their origin, from the earliest possible times (which may perhaps have introduced false traditions amongst them) and as all their authentic records are reported to have been destroyed during the persecutions of the Church of Rome; from all these circumstances, whether we refer to the Hindoo accounts, to the St. Thome Christians themselves, or to their persecutors the Roman Catholics, we are not likely to arrive at any certain conclusion as to the *exact* time of their establishment in Malabar. Some circumstances, however, may be collected from *undoubted authority*, by which it may be inferred, that they have been for nearly fifteen centuries established in India; for we find in ecclesiastical history, that at the first Council of Nice in the year 325, a bishop from India was amongst the number composing that memorable synod; and in the creeds and doctrines of the Christians of Malabar, internal evidence exists of their being a primitive church. For the supremacy of the Pope is denied, and the doctrine of transubstantion never has been held by them; and they regarded and still regard the worship of images as idolatrous, and the doctrine of purgatory to be fabulous. Moreover, they never admitted as sacraments, extreme unction, marriage, or confirmation; all which facts may be substantiated on reference to the acts of the synod established by Don Alexis De Moneses, archbishop of Goa at Diamper, in the year 1599.

The history of this Council will be found most ably detailed in a work printed in French, and entitled, The History of Christianity in India, published at the Hague in the year 1724, by La Croze, the celebrated librarian to the king of Prussia.

The object of this work was to deduce from authentic materials, the rise, progress, and establishment of Christianity in the East, and to hold up to disgrace and to merited indignation, the bigoted and unworthy conduct of the Roman Catholic church, in the persecution set on foot by her emissaries, under her avowed sanction, against the primitive Christians, who were found settled on the coast of Malabar; and La Croze has discharged his duty to the public, in a most faithful, interesting, and able manner.

When the Portuguese first arrived in this country, in the beginning of the 16th century, they found a Christian church, using the Syrio-Chaldaic language, established in the neighbourhood of Cranganore; and though it was published to the world many centuries before that period, that such a church existed, yet we find their ignorance expressed in the wonder which it excited. These Christians met the Portuguese as natural friends and allies, and rejoiced at their coming; but the Portuguese were much disappointed at finding the St. Thome Christians firmly fixed in the tenets of a primitive church, and soon adopted plans for drawing away from their pure faith this innocent, ingenuous, and respectable people. However, after using for nearly a century, all the customary arts and abominable persecutions of the Church of Rome to no purpose, Don Alexis de Moneses, the archbishop of Goa, appeared amongst them, and by his commanding influence, his zeal, and his learning, and on the authority of what he called the Council of Diamper, forced the Syrian metropolitan, his priests and people, into the Romish pale. The archbishop, however, had not long quitted the scene of this triumph of bigotry, ere the people sighed for their old religion, and cherished it in private; but on the 22d of May 1653, they held a congress at Alrigattee, and great numbers, headed by their metropolitan, revolted publicly from the Romish communion; nor has all the interest of the Roman Pontiff and the Kings of Portugal been able to draw them away again from their old faith.

Leaving the history of this interesting people; which is affectingly delineated in La Croze's book, I shall, in this Report, confine myself more particularly to the existing state of Christianity in Malabar; and in order that your Lordship may have the subject clearly before you, I shall consider each sect of Christians by itself, under the head of—1st, St. Thome, or Jacobite Christians; 2dly, The Syrian Catholics, who have been forced from the Jacobite church into the Romish pale; and 3dly, The Latin Church.

St. THOME, or JACOBITE CHRISTIANS.

THESE people, who still retain their ancient creed and usages, consider themselves as the descendants of the flock established by St. Thomas, who is generally esteemed the apostle of the East. Their ancestors appear to have emigrated from Syria, and the Syrio-Chaldaic is the language in which their church service is still performed. They admit no images within their churches but a figure of the Virgin Mary, with the child Jesus in her arms, which is considered merely as an ornament, and not a subject for idolatrous worship. They are generally denominated by the country people Nazaranee Mapillis. Nazaranies is obviously derived from Nazareth, but the origin of the word Mapillah is variously accounted for; by some, it is ingeniously supposed to refer to the Virgin and Child, the only image admitted within their churches; as *Ma* implies mother in various languages, derived from the Sangscrit, and *pillah*, child: others again construe the term, to indicate the rank originally conferred on these Christians by the sovereign of Malabar; Poolah signifies a class in a state synonimous with our secretaries; Ma, or Maha, signifies great or superior. The term Mapillah is indiscriminately applied to Jews and Mussulmen, as to these Christians; distinguishing each by the prefix of Jew, Syrian or Nazaranee, or Mussulman.

It is certain, that grants of honours and emoluments were formerly possessed by these Christians, given to them by a king of Malabar named Premaul, engraven on copper; five

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of which engravings are still in existence, a fac simile of which, I have seen in the possession of the Resident of Travancore.

It has been long believed that these Christians held the tenets of the Nestorian heresy, and that they were obliged to leave their own country in consequence of persecution; however, it appears that the creed which they now follow, denies that heresy, and seems to coincide in several points with the creed of St. Athanasius, but without its damnatory clauses.

Baron Von Wredé has written a memoir on the subject of these Christians, which appeared in the 7th volume of the Asiatic Researches, and which has the merit of calling our attention to these people; though it is no better than a tame transcript of information, which may be fully and satisfactorily obtained in La Croze's book, from whence every material part of that memoir is obviously taken; indeed wherever the Baron departs from his author, he becomes less interesting, or misleads his reader. That the Christians of Malabar were early taught the tenets of Nestorius, is proved by La Croze, on the direct authority of Casmas, an Egyptian merchant (himself a Nestorian) who published his voyage to India in the year 547. It seems, however, not improbable that Christianity had been planted on these shores long before the time of Nestorius; and I am inclined to regard the tradition of its having spread hither in the age of the apostles, as very far from fabulous*.

With respect to their religious tenets, writers may and will disagree. Upon such subjects human reason avails nothing. The disputes which on these points appear to have agitated the world, are, in general, no better than the perverse offspring of verbal differences.

The following is a faithful Version of the present Creed of these people, being a written communication from the Metropolitan to the Resident at Travancore.

"In the name of the Father, Son, and Holy Ghost, we the Christians, believers in the "Religion of Jesus Christ, subject to the jurisdiction of Mar Ignatius, patriarch of Antioch, being loyal Jacobites,† hold the following creed:"

"We believe in the Father, Son, and Holy Ghost, three persons in one God, neither "confounding the persons nor dividing the substance, one in three and three in one."

The Father, Generator; the Son generated, and the Holy Ghost proceeding.

"None is before or after other; in majesty, honour, might and power coequal; Unity in "Trinity and Trinity in Unity."

"We do not believe, with Arius and Eunomius, that there are three different and "separate substances."

"We do not believe, as Sabellius believes, by confusion of substance."

"We do not believe, as Macedonius said, that the Holy Ghost is less than the Father "and Son."

"We do not believe, as Mawney and ‡ Marcianus said, that the body of Christ was "sent down from Heaven."

"We do not believe, as Julianus § said, that Christ was only man."

"We do not hold, as Nestorius, the doctrine of two natures and two substances in the "Messiah; we do not believe, as the Chalcedonians said, that there are two natures in the "Messiah. But we believe, by the doctrine of the Trinity, that the Son is coequal with "the Father, without beginning or end; that in the appointed time, through the disposition of the Father and Holy Ghost, without disjoining from the right side of the Father, "he appeared on earth for the salvation of mankind; that he was born of the Virgin Mary, "through the means of the Holy Ghost, and was incarnate God and Man; so that in the "union of the divine and human nature, there was one nature and one substance."

"So we believe."

The service in their churches is performed very nearly after the manner of the Church of England, and when the metropolitan was told, that it was hoped that one day an union might take place between the two churches, he seemed pleased at the suggestion.

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* Eusebius informs us, that there were Christians in India as early as the year 189; who had the Gospel of St. Matthew in Hebrew, which they declared was received from St. Bartholomew.

† Mosheim. Vol. IV. Section 11. Page 257. The Eastern Christians who renounce the communion of the Greek Church, and differ from it both in doctrine and worship, may be comprehended under two distinct classes. To the former belong the *Monophysites* or *Jacobites*, so called from Jacob Albardai; who declare it as their opinion, that in the Saviour of the world, there is only *one nature*; while the latter comprehends the followers of Nestorius, frequently called *Chaldæans* from the country where they principally reside, and who suppose that there are two distinct *persons or natures* in the Son of God. The Monophysites are subdivided into two sects or parties, the one African and the other Asiatic. At the heads of the Asiatic is the patriarch of Antioch, who resides for the most part in the monastery of St. Ananias, which is situated near the city of Meridden, and sometimes at Merdin, his episcopal seat, as also at Amida, Aleppo, and other Syrian Cities. The government of this prelate is too extensive, and the churches over which he presides, too numerous to admit of his performing himself all the duties of his high office; and therefore a part of the administration of the pontificate is given to a kind of colleague, who is called the *Mapheian* or *Primate* of the East, and whose doctrine and discipline are said to be adopted by the Eastern Church beyond the Tigris. This primate used formerly to reside at Tauris, a city on the frontiers of Armenia; but his present habitation is the monastry of St. Matthew, which is in the neighbourhood of Mousul, a city of Mesopotamia. It is further observable, that all the patriarchs of the Jacobites, assume the denomination of Ignatius.

‡ These I suppose might be Manes and Marcian.

§ Perhaps Julian, Bishop of Halicarnassus.

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The present metropolitan, Mar Dionysius, is now old and infirm; but a very respectable character, and of the most venerable and prepossessing appearance. A person has been sent from Mousul, a city of Mesopotamia, to succeed to his station, in the event of his decease; but this stranger, ignorant of the language of the country, with the character of being violent in his temper, and not averse, as it is supposed, to the views of the Romish Church, it is to be hoped will be prevented from ever taking charge of this precious remnant of a pure and valuable people.

The metropolitan has several archdeacons and deacons under him, who act as vicars general. They have fifty-five churches; and the number of their people, as given in to the Resident, is estimated at 23,000.

The residence of their metropolitan is at Canderratter, twelve or fourteen miles inland from Cochin. In some of their churches divine service is performed in the Syrian and Latin ritual, alternately, by the priests of the Christians of St. Thome, who have adhered to their ancient rites; and those who have united to the Church of Rome *. When the latter have celebrated mass, they carry away their images from the church, before the others enter.

The character of these people is marked by a striking superiority over the Heathens in every moral excellence, and they are remarkable for their veracity and plain dealing. They are extremely attentive to the religious duties, and abide by the decision of their priests and metropolitan in all cases, whether in spiritual, or, as I heard, in temporal affairs. They are respected very highly by the Nairs, who do not consider themselves defiled by associating with them, though it is well known that the Nairs are the most particular of all the Hindoos in this respect, and the Rajahs of Travancore and Cochin admit them to rank next to Nairs. Their numbers, it is conjectured, are under-rated in the statement given to the Resident, as it is generally supposed that they may be estimated at 70 or 80 thousand. They are not persecuted; but they are not permitted to make converts by the governments under which they reside; and it is supposed, that many respectable Hindoos would be happy to join their sect, were it not for this circumstance; but at present they suffer, as far as I can learn, no other hardship.

If good men from Sysia could be obtained, not as parish priests, but to superintend and regulate their concerns, I conceive it would be a great blessing to these good people.

The direct protection of the British Government has been already extended to them, but as they do not reside within British territories, I am somewhat doubtful how far it may be of use to them.

To unite them to the Church of England, would, in my opinion, be a most noble work; and it is most devoutly to be wished for, that those who have been driven into the Roman pale, might be recalled to their ancient church; a measure which it would not, I imagine, be difficult to accomplish, as the country governments would, it is supposed, second any efforts to that purpose.

Their occupations are various, as those of other Christians; but they are chiefly cultivators and artizans, and some of them possess a comfortable if not a splendid independence. Their clergy marry in the same manner as Protestants. Their residence is entirely inland.

SYRIAN ROMAN CATHOLICS.

THESE people as stated above, were constrained to join the Latin Church, after a long struggle for the power of maintaining their purity and independence, and still appear a people perfectly distinct from the Latin Church; being allowed to chant and perform all the services of the Church of Rome in the Syrio-Chaldaic language, by a dispensation from the Pope. They live under the authority of the metropolitan of Cranganore, and the bishop of Verapoli, and dress differently from other priests. They wear a white surplice, while the priests of the Latin communion wear black gowns, like the capuchin friars of Madras. The Roman Catholic Syrians, it is thought, are much more numerous than the members of the original church. Their clergy are spread through the ancient Churches, and by retaining their language, and acting under the direction of the Church of Rome, they leave no means unessayed to draw over their primitive brethren to the Latin communion. It appears to me, that they are allowed to use their original language, and to frequent the original church, entirely with this view; and, as far as I can learn, their numbers are gaining ground. There are said to be 86 parishes of Roman Catholic Syrians subject to the dioceses of Cranganore and Verapoli. Their priests, to the number of 400, are styled Catanars, which is a Syrian appellation. Their congregations are reported at 90,000, of old and young included, agreeably to the last returns transmitted to Rome. There is an inferior order of priests, who are called Chiamas, in number about 120. The Hindoos have, as far as I can learn, a much greater respect for the Christians of the original church, than for the converts of the Latin communion; which may be accounted for, by their not associating with the lower orders of people. Attached to each church is a convent, where the catanars reside in community, there being three, four, or five to each church. The service is performed weekly in rotation. There is a seminary at the college of Verapoli, for the education of the Syrio-Roman Catholics, and also one for the Latin Church. The Syrio-Roman Catholics are chiefly engaged, as already mentioned, in drawing their *ancient brethren*

* This shews a spirit of toleration and Christian liberality, very different from the bigotry of the Romish Church.

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brethren within the Romish pale; but it appears that some of them had been employed formerly, in extending the general object of conversion over the Peninsula. I saw one of their churches at a village near Pillimbaddy, about 30 miles on the Madras side of Trichinopoly, and I heard of several others. They had at this village adopted the use of a sammy cooch, like that of the heathens, with the Crucifix and the Virgin Mary in it, instead of the Hindoo sammy. Their church was much out of repair; and the ignorance of the few Christians remaining in charge of it, sticking the letters I. N. R. I. over the figure of our Saviour on the cross, being absolutely inverted, nor did the priest, who visits them, ever notice the circumstance. They read prayers in Malabar, according to the ritual of the Church of Rome. The church appears to have been once respectable; but it is now fallen into decay.

LATIN ROMAN CATHOLICS.

Within the provinces of Travancore and Cochin there are one archbishop and two bishops; the archbishop of Cranganore, and bishops of Cochin and Verapoli.

The two former have sees, the latter is titular. The archbishop of Cranganore and the bishop of Cochin are nominated by the Queen of Portugal, after the following manner. Three names are sent (when either of these sees become vacant) by the sovereign of Portugal, to the Pope, and the Roman Pontiff is bound to select the name that stands first, and to issue his brevet or patent accordingly.

They are subject in all spiritual concerns to the primate of Goa, who has also the power, during a vacancy, of sending from Goa a locum tenens, who is styled Padre Governador. Both sees are at this moment filled by such.

The titular bishop, who resides at the college of Verapoli, is appointed directly by the Pope, and is subject to no jurisdiction, but that of his Holiness or the Propaganda at Rome. This mission, being more susceptible of controul and regulation than the others, had been countenanced by the Honourable Company, as the following copy of a Proclamation, issued by the Government of Bombay, will shew.

PROCLAMATION.

" The Honourable the Court of Directors of the Honourable English East India Com-
" pany having been pleased to order, that the ecclesiastical jurisdiction of the Roman
" Catholic churches under this Government shall be withdrawn from the archbishop of Goa,
" and restored to the Carmelite bishops of the apostolic mission; the President in Council
" has accordingly Resolved, That the said restitution shall take place on the 1st of the ensuing
" month; from which time he hereby enjoins all the Catholic inhabitants in Bombay, as well
" as at the several factories and settlements subordinate thereto, to pay due obedience in
" spiritual matters to the said bishops, on pain of incurring the severe displeasure of
" Government.

" By order of the Honourable the Governor in Council.

" Bombay Castle, (Signed) " *William Page*,
" 2d August 1791." " Secretary."

The priests attached to the college of Verapoli are all Carmelites, united to the apostolic mission at Bombay, but not subject to it. The jurisdiction of each bishop is not marked by distinct bounds; the parishes and churches being so intermingled, that it is difficult to form a right notion of their extent. The bishop of Cochin, however, may be said to have a controul over all the Romish churches situated on the sea coast, immediately (with few exceptions) from Cochin to Ramnad, and thence round the whole island of Ceylon. The churches are numerous, but as they are in general poor, and are obliged to be supplied with priests from Goa, it would appear, that one vicar holds upon an average five or six churches. The number of Christians composing these churches must be great, as all and every of the fishermen are Roman Catholics. The bishop of Cochin resides usually at Quilon. There are very few European clergy, not above seven or eight, under the three jurisdictions, and none of them men of education; and it cannot be expected that the native priests, who have been educated at Goa, or at the seminary of Verapoli, should know much beyond their missals and rituals. The Latin communicants in the diocese of Verapoli, are estimated at 35,000. The catechuman suffers no persecution on account of his religion, when once converted; but the country governments are excessively jealous upon this point, and do their utmost to discountenance any conversion.

The converts are from various castes, viz. Chegas or Teers, Muckivas and Pullers; and there can be no doubt but that many of the higher castes would be baptized, if they did not dread the displeasure of their governments.

It is well known, that the Roman religion was introduced by the Portuguese, at the commencement of the 16th century; the number converted in each year, upon an average, reach to nearly 300. The number, of course, naturally diminishes. The morality of the converts is very loose, and they are generally inferior, in this respect, to the heathens of the country.

GENERAL OBSERVATIONS.

Reflecting on the whole subject, several suggestions present themselves to my mind; and I think I shall not be considered as deviating from the line of my profession, or the intention of your Lordship, in calling for my Report, by offering some opinions to Government,

No. 10.

Reverend Dr. Kerr's Report, dated Madras, 3d November 1806; with Proceedings thereupon.

which, in a moral and political view, seem of the highest importance. It appears from the foregoing statement, that pure Christianity is far, very far from being a religion for which the highest caste of Hindoos have any disrespect, and that it is the abuse of the Christian name, under the form of the Romish religion, to which they are averse. We have, my Lord, been sadly defective in what we owed to God and man, since we have had a footing in this country, as well by departing most shamefully from our Christian profession ourselves, as in withholding those sources of moral perfection from the natives, which true Christianity alone can establish; and at the same time we have allowed the Romanists to steal into our territories, to occupy the ground we have neglected to cultivate, and to bring an odium on our pure and honourable name, as Christians. The evil would be less, were it not well known, that many of the Romish priests and their people, who have thus been allowed to grow numerous under our authority, are supposed to be far from well affected to the Government under which they reside. Indeed, in many instances, the Romish clergy are the natural subjects of nations at enmity with ourselves, at the same time that they are eminently qualified by their influence in their profession to do us the greatest mischief, by spreading disaffection throughout every part of this extended country. The Roman Catholic religion, my Lord, I believe, I may say, without offence to truth or charity, has almost always been made a political engine in the hands of its Governments; and we must be blinded indeed, by our own confidence, if we do not calculate on its being so used in this great and rich country, where it has established a footing amongst an ignorant people, especially when it is so well understood that our Eastern possessions have been a subject of the greatest jealousy to all the rival nations of Europe. In my humble opinion, my Lord, the error has been, in not having long ago established free-schools throughout every part of this country, by which the children of the natives might have learned our language, and got acquainted with our morality. Such an establishment, would ere this, have made the people at large fully acquainted with the divine spring from whence alone British virtue must be acknowledged to flow; this would have made them better acquainted with the principles by which we are governed; they would have learned to respect our laws, to honour our feelings, and to follow our maxims; whereas they appear to me, generally speaking, at this moment, as ignorant of their masters, as on their first landing on these shores. I speak not of interfering with their religious prejudices, or endeavouring to convert the natives by any extraordinary effort on the part of the British Government. Conversion, in my opinion, must be the consequence which would naturally flow from our attention to their moral instruction, and their more intimate acquaintance with the English character.

I do not mention this as an experiment, the result of which might be considered problematical; the experiment has been already made, and the consequences have proved commensurate with the highest expectation which reasonable men could entertain. The Danish mission, united with the Society for propagating the Gospel, have sent some good men into this country, with the laudable view of spreading true Christianity throughout our Eastern possessions; and the names of Swartz, Gerricke, and others, will ever be remembered by numbers of our Asiatic subjects, of every caste and description, with veneration and affection; and there are happily still living some amongst us of the same character.

It is true that the object they had more particularly in view has in some measure failed; and few good converts, it is generally imagined, have been made; but let it be remembered also, that they have laboured under every possible disadvantage: they have scarcely enjoyed a mere toleration under our Government, and received no kind of assistance whatever; that they were few in number, and perhaps I may say, without injustice, that they erred (as the best might err) in the means which they adopted. But that they have done much good by the purity of their lives, and by their zeal in spreading instructions, this, I imagine, will admit of no denial; and I doubt not that I may say, without danger of contradiction, that few and poor as these men have been, without authority or power to support them, a greater and more extended portion of heart-felt respect for the European character has been diffused by their means throughout this country, than by all the other Europeans put together. We have, in my humble opinion, my Lord, kept ourselves too far from the natives; we have despised their ignorance, without attempting to remove it; and we have considered their timidity (the natural result of their being trampled upon by one race of conquerors after another) also as an object for our contempt, at the same time that we have viewed the cunning of their character (which is ever the natural resource of ignorance and weakness) as the completion of all that is vile and deceitful. Thus have we continued a system of neglect towards the interests of our native subjects, in points the most essential to their very happiness, throughout the whole of our Governments in this country. Fain, my Lord, would I see a change in this particular; and I seize the opportunity which the present moment affords, to press the justice and policy of the measure on the attention of your Lordship's Government.

I have the honour to remain, &c. &c.

Madras,
Nov. 4, 1806.

(Signed) *J. H. Kerr,*
S[r] Chaplain.

EXTRACT

No. 10.

Reverend Dr. Kerr's Report, dated Madras, 3d November 1806; with Proceedings thereupon.

EXTRACT PUBLIC LETTER FROM FORT ST. GEORGE;

Dated 21st October 1806.

Para. 369.—LORD William Bentinck having recorded a further Minute, explanatory of his reasons for wishing that the Rev. Dr. Kerr, who was at that time in the Mysore country for the recovery of his health, should proceed to the Malabar Coast, for the purpose of obtaining every practicable information, in regard to the first introduction of Christianity into India; the arrival of the different sects, who have been or may be in existence; their general history; the persecutions to which they may have been exposed; their success in making proselytes; their church establishments, and the source from which they are maintained; with all other circumstances connected with this important subject:—We have the honour of forwarding to your Honourable Court, a copy of his Lordship's Minute, and of informing you, that Dr. Kerr is at present employed on the above duty, and that we expect, in a short time, to receive some interesting information from that gentleman, on the points referred for his investigation.

EXTRACT PUBLIC LETTER FROM FORT ST. GEORGE;

Dated 6th March 1807.

Para. 125.—IN our last general dispatch from this Department, we informed you, that the Rev. Dr. Kerr had been instructed to proceed to the Malabar Coast, for the purpose of enquiring into the state of Christianity on that coast, its first introduction into India, and other points connected with that important subject; and we have now the honour of referring your Honourable Court to our proceedings noted in the margin, for the Report which was received in consequence from Dr. Kerr.

Para. 125. Pub. Genl Letter to England, 21 Octr. Par. 369.

In Cons. 7th Nov^{r}.

EXTRACT PUBLIC LETTER TO FORT ST. GEORGE;

Dated 11th Jan. 1809.

Letter from 21st Oct. 1806.

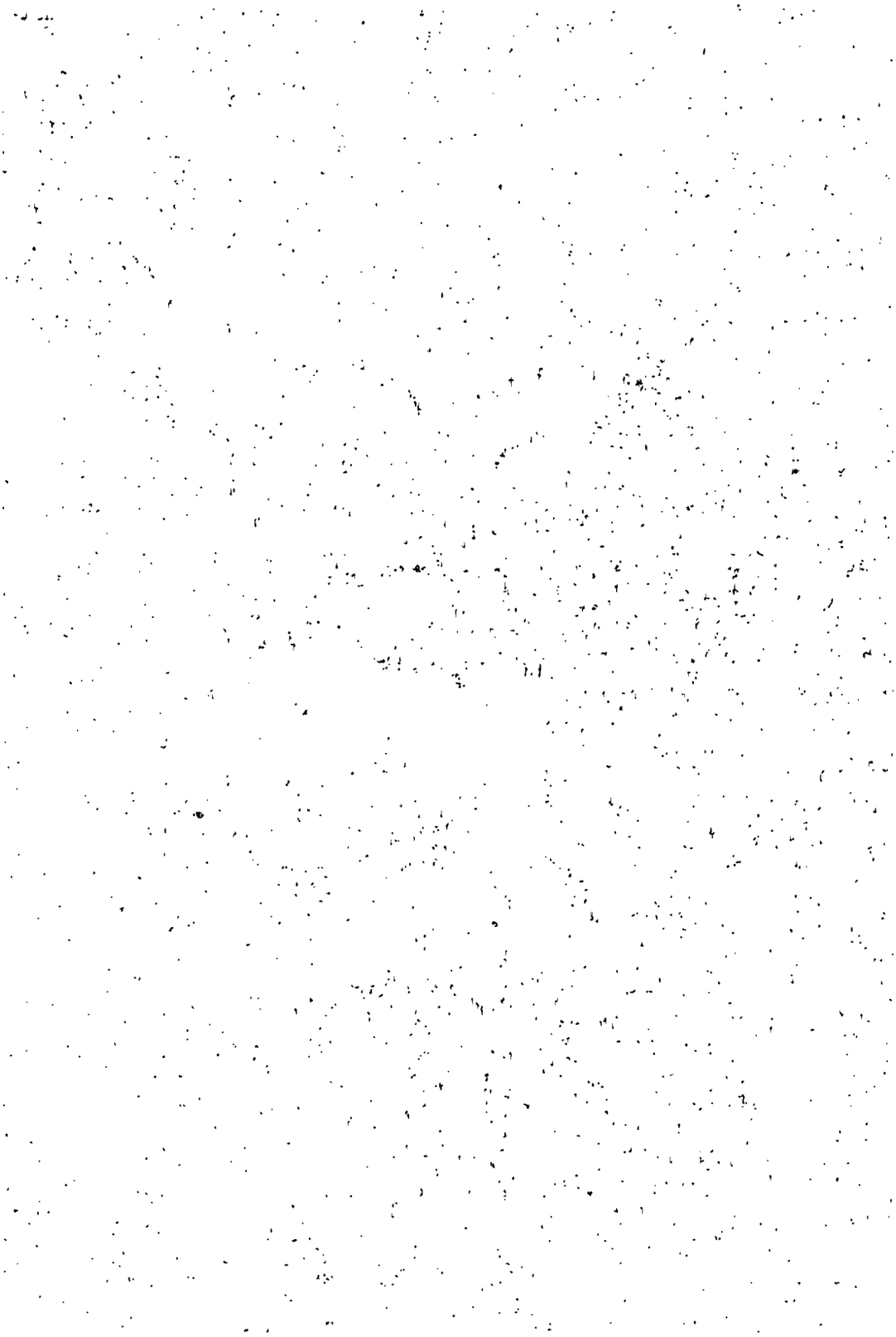
Para. 369. Stating, that Dr. Kerr had been directed to proceed to Malabar, for the purpose of obtaining every practicable information on the past and present state of Christianity in India.

Para. 84.—THE researches which, as we are informed, the Rev. Dr. Kerr was employed to make, related to objects that very properly and naturally claimed your attention, both from their general importance, and as being particularly interesting to our Government. It is hence rather surprising, that accurate information concerning them should not have been sought earlier, especially as our Letter to Bengal, of the 25th May 1798 (copy of which was forwarded to you in June 1800) directly pointed to similar enquiries.

85. On these grounds, the sentiments delivered by Lord W. Bentinck on this occasion, in his Minute of the 27th June 1806, and the consequent directions given to Dr. Kerr, have our general approbation.

86. The Report of that gentleman, stating the result of the investigation on which he was thus sent, has been brought under our notice by the 125th paragraph of your subsequent Letter, of the 6th March 1807. It appears to contain many curious interesting facts, particularly respecting the native Christians of Malabar; and the account is, in general, so clear and intelligent, as to do credit to the zeal and ability of Dr. Kerr. In thus acknowledging the general merit of Dr. Kerr's Report, and the value of the information contained in it, we must not be understood as meaning to concur in every opinion and suggestion to be found in that paper.

It is particularly important at this time, to the tranquillity of our Eastern dominions, that our subjects, of every religious denomination, as well those who are of a different Christian persuasion from our own (and who, from the circumstances adverted to by Dr. Kerr, may be considered as having some connexion with a foreign European power) as Hindoos or Mahomedans, should be persuaded that the British Government has no intention of molesting them in the exercise of their religious worship or opinions, while they shall conduct themselves with fidelity to the State, and shall do nothing to disturb the peace and good order of Society.



PAPERS

RELATING TO

EAST INDIA AFFAIRS.

Growth of Hemp, and Cotton.—General Revenues of India; and Mr. *Rickards*'s Finance System in part of Salsette.—Permanent Settlement in the Ceded and Conquered Provinces.—Mr. *Rickards*'s proposition for establishing a General Bank.—Revenue of Broach and Surat.—Jumma or Rental in Guzerat.—Political State of the Travancore Territory; and Treaty with the Rajah of Travancore.—Revenue of Malabar.—Occurrences at Quilon in Travancore.

Ordered, by The House of Commons, *to be printed*,
22. *June* 1813.

LIST OF PAPERS

Presented to The Honourable House of Commons, pursuant to Orders, dated 1st—3rd—16th—18th—and 21st June—1813.

— No. 1. —

Copy of a MEMORIAL presented to the Court of Directors of the East India Company, by *Robert Rickards*, Esq. dated September 9th 1812, together with Copy of the Answer thereto, from the said Directors, signed by, Mr. Assistant Secretary *Cobb*, dated February 26th 1813.

— No. 2. —

Copy of PARAGRAPHS N° 2. to N° 27, both inclusive, of a Letter from the Court of Directors of the East India Company, to the Government of *Bombay*, dated February 22d 1811, relative to the Cotton Trade.

— No. 3. —

Copy of PARAGRAPHS 2 to 8 of a Letter in the Revenue Department, from the Governor in Council of *Bombay*, to the Court of Directors, dated the 14th October 1808, with Copies of the Papers referred to therein; and Copy of the Reply of the Court of Directors, under date the 10th of January 1810, to the said Communication.

— No. 4. —

Copy of a MINUTE recorded by Mr. *Colebrooke*, on the Revenue Consultations of *Bengal* the 20th June 1808, respecting the extension of the Permanent Settlement, to the Ceded and Conquered Provinces.

— No. 5. —

Extract of a LETTER from the Governor General in Council of *Bengal* in the Public Department, dated the 30th June 1809, Paragraphs 109 to 117, both inclusive, together with the Papers referred to therein.

— No. 6. —

Copy of PARAGRAPHS 31 to 38 inclusive, of a Revenue Letter from the Governor in Council at *Bombay*, to the Court of Directors of the East India Company; dated 20th February 1808.

— No. 7. —

Copy of PARAGRAPHS 49 to 54 inclusive, of a Revenue Letter from the Governor in Council at *Bombay*, to the Court of Directors; dated 14th April 1810.

— No. 8. —

Copy of PARAGRAPHS 113 to 142 inclusive, of a Revenue Letter from the Court of Directors, to the Governor in Council at *Bombay*; dated 10th January 1810.

— No. 9. —

Copy of a LETTER from the Court of Directors in the Political Department, to the Governor in Council at *Fort St. George*; dated the 29th September 1809.

— No. 10. —

Copy of the TREATY with the Rajah of *Travancore*; dated the 28th January 1793.

— No. 11. —

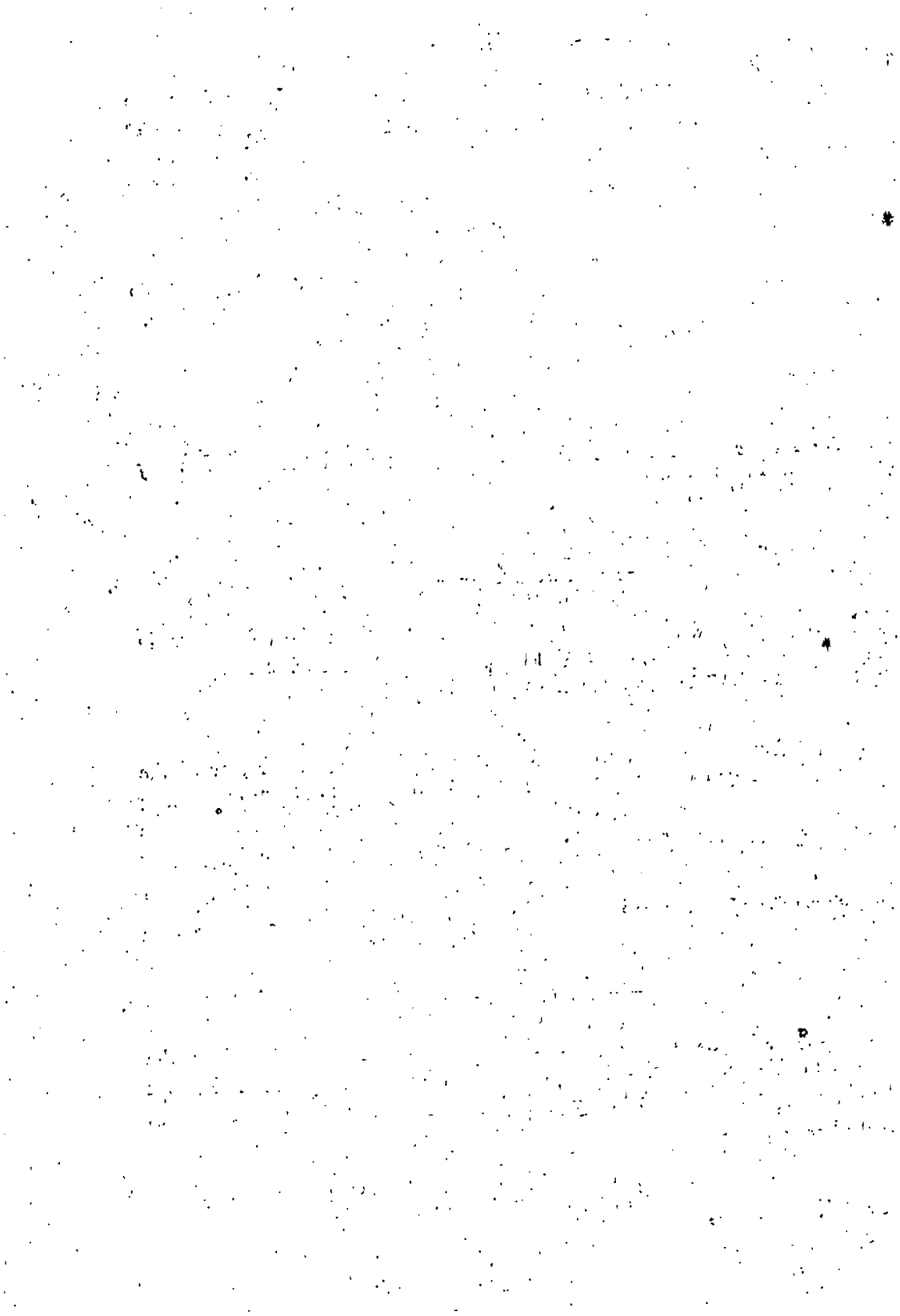
Copy of a PARAGRAPH 226, of a Revenue Letter from the Governor in Council at *Fort St. George*, to the Court of Directors of the East India Company; dated the 21st October 1807.

(No. 12.)—Copy of a LETTER from *John Bebb*, Esq. (a Director of the East India Company) to the Court of Directors, dated the 31st May 1813; respecting the 13th Proposition, submitted to the House of Commons on the renewal of the Company's Charter.—[*This Paper being on a subject different from the matters in this Collection, has been printed, and delivered separate; and is not therefore here inserted.*]

— No. 13. —

Copy of the 2d and 3d Paragraphs of the MILITARY LETTER from the Governor in Council at *Fort St. George*, to the Court of Directors of the East India Company; dated the 1st July 1812, relative to the late occurrences at *Quilon* in *Travancore*.

East India House,
22d June 1813.



No. 1.

Copy of a MEMORIAL presented to the Court of Directors of The *East India* Company, by ROBERT RICKARDS, Esq. dated September 9th, 1812;—together with Copy of the Answer thereto, from the said Directors, signed by Mr. Assistant Secretary *Cobb*, dated February 26th, 1813.

To the Honourable The COURT of DIRECTORS for the Affairs of The Honourable East India Company, &c. &c. &c.

HONOURABLE SIRS,

No. 1.
Mr. Rickards's Memorial, of 9 Sept. 1811.

1. I TAKE the earliest opportunity, after my return to this country, to solicit your consideration of a few facts connected with the subject of your orders of the 22d February 1811, which removed me from your Council at Bombay, and declared me unworthy of your future confidence.

2. After a residence and service of twenty-six years in India, and with a conscious sense of zealous and uninterrupted efforts to promote your real interests in that quarter, it is no small pain to a feeling mind, to one that disclaims every other motive than honesty of intention, to be thus accused and condemned. Could I plead guilty to the charge, I should not presume to intrude on your further notice: but I address myself to your honourable Court, in the confidence of conscious innocence, and respectfully appeal to that justice and liberality which have so frequently distinguished your public acts, where there was injury to be repaired, or merit, however humble, to be compensated.

3. The orders of the 22d February 1811, being of course well known to your honourable Court, I shall only refer to them generally here, begging to offer such explanations as may probably not have been before your honourable Court at the time these orders passed, and which may be yet necessary to a full understanding of the two questions therein discussed.

4. The first object of censure in the orders above mentioned, was a cargo of hemp consigned to England on the country ship Cambrian.

5. In April 1807, the Bombay Government were instructed that the honourable Court considered it an object of national importance to be able to supply India hemp for the use of the royal navy, and general consumption in England. Our particular attention to this object was enjoined at this time; immediate importations were not wanted; improvement of quality, more than quantity, was to be considered; and extension of culture, with improved methods of cleaning and dressing it, seemed to be the chief objects the honourable Court had *then* in view.

6. In December 1807, circumstances are represented to have materially changed; and that in consequence of a pressing demand for hemp, the honourable Court had agreed to supply his Majesty's Government for three successive years, viz. 1809—10—11, with the produce of India, at the rates at which this supply should bonâ fide cost the Company in its provision; purchases were *now* enjoined, with advances to cultivators in the Company's districts; immediate supplies were required; and we were directed to extend the quantity of Salsette, or Rajepore hemp, in particular, which we might be enabled to procure "*to its* "*utmost practicable limits*," consistently with due attention to the quality, and to the price not being materially enhanced.

7. These anxious orders were repeated to Bengal in 1808, with intimations that not only the produce of the Company's commercial factories, but *whatever could be purchased in the Bazars*, of proper quality, was to be sent without any unnecessary delay. The engagement with his Majesty's Government was stated to extend to a supply of 20,000 tons in three years. The Bengal Government sent a copy of these orders to Bombay, expressing their inability to furnish any thing near the quantity required from that side of India; adding, that they "considered the spirit of these orders equally applicable to the other presidencies, "and directed us immediately to adopt such measures *as* should *appear to us* best calculated "to promote the wishes of the honourable Court, and of his Majesty's ministers.

No. 1.
Mr. Rickards's Memorial, of 9 Sept. 1811.

8. These orders were expressly stated to have been founded on the then existing circumstances of the political state of Europe, which from every account, public and private, was that of a decidedly hostile disposition on the part of Russia, an entire stop to all commercial intercourse between that Power and England, and distress to the navy from want of the usual supplies of hemp, which if continued (and it then seemed probable) was expected to be attended with serious national inconvenience. Private letters in 1808 and 1809, received in India, stated the price of Russia hemp at from £.80. to £.110. £.115. and £.120. per ton, in the London market. A clear and able pamphlet, entitled, "Observations on the Sunn Hemp of Bengal," written under the sanction of the honourable Court, and found by me in the records of the Secretary's Office at Bombay, stated the price of Bengal Sunn at £.66. in 1808.

9. This pamphlet urges with great force of argument the policy of relieving ourselves by every possible resource from a dependance on Russia for hemp, "upon a due supply of which "depends the equipment of the British navy in as eminent a degree as on a due supply of "timber for the construction of the ships. Bengal, Bombay, and its dependencies, are "looked to for the means of enabling us to defy the enmity of Russia with that of her con-"federates during war, and to make her on the return of peace sensible of her mistaken "policy, by inducing us to open other channels for those articles of commerce she has "hitherto furnished."

10. The same pamphlet, stating that the Company in their public spirited efforts to supply the country with Sunn hemp in 1796-7-8 had sacrificed upwards of £.45,000, it seemed highly desirable they should know, by experience of facts, whether the object they contemplated could possibly be accomplished without subjecting them to a repetition of such enormous loss.

11. Under these circumstances, every effort was made by the Bombay Government, and chiefly by the Governor himself, the proper organ of Government, to meet the expressed wishes and orders of the Court of Directors in respect to supplies of hemp. Guzerat was ascertained to afford but little of any kind, and none of a quality fit for consignment to Europe. In Malabar the cultivation of hemp afforded for a moment a hope of supply, but disappointed at length our expectations. Orders were transmitted to every known quarter for hemp; an attempt to grow it on the Company's account on Salsette was made, and wholly failed; advances were made to cultivators on Salsette, who only returned *one-third of a ton*, and that at the average prime cost of £.51. 15s. to £.57. 10s. per ton. In short, every exertion that the most anxious, yet often misguided zeal, could suggest to supply the honourable Court's indent proved abortive.

12. It will be seen in the accompaniment, No. 1, that all that the authority, influence and zeal of the Bombay Government could collect together in three years, did not amount to 200 tons, to meet a demand for 20,000; and this costing the honourable Court in England not less on a moderate computation than £.86. to £.88. per ton.

13. When the tender therefore of Bruce, Fawcett and Co. to send home 700 tons of Rajépore hemp came before the Board in July 1809, the impression, I believe, of every one of us was, that our past efforts had been little better than complete failure, and that our future ones were likely to be attended with as little success. The tender was accordingly hailed as opportune, and cordially acceded to by all, under the belief that it would prove what our orders prescribed, equally calculated to promote the wishes of the honourable Court, and of his Majesty's ministers.

14. The Court's orders, however, express a great degree of irritation at the whole transaction, and are principally levelled at me, exculpating the Governor, who was its prime supporter altogether. The accompanying letter, No. 2, sufficiently testifies this fact. In the public proceedings on this subject, the Governor, it will be observed, dissents to no part, except a slight intimation after the majority had given their votes, that "he apprehended "Government is not authorized to guarantee any price to Bruce, Fawcett and Co." This is to be explained by a practice, common to the Governor in matters involving any responsibility. As President of the Council he gave his vote last; and wherever he had secret, yet partial scruples, after the majority had decided a measure generally according to his wishes, he would endeavour to shelter himself against possible censure, in respect to particular parts, by a half record of his doubts, without openly expressing them in the first instance, for the equal and candid consideration of the other members. The late Commander in Chief of Bombay can give a few notable instances of this practice by our late Governor. Were I to detail them, it might be ascribed to motives which I certainly feel not towards the deceased. The honourable Court, however, having I apprehend, never fully understood the real terms of this agreement, their anger towards me alone continued. They re-appointed Mr. Duncan Governor of Bombay, and dismissed me from their Council.

15. The honourable Court are pleased, in the first place, to accuse me of a positive breach of both the letter and spirit of their former orders; which were, they say, to provide hemp from their own territories, by advances for the cultivation of it, through the agency of their own servants; looking less to immediate than to gradual and progressive supplies of hemp; an extensive scheme, it is observed, requiring time and gradual meliorations of culture. In one of the same paragraphs (the 5th,) it is notwithstanding distinctly admitted, that purchases

chases of hemp were also ordered to be made, and that they did not mean to exclude the produce of Concan, which is not their own territory.

16. I have already stated, and the papers of record prove, that every effort which the zeal and influence of the Bombay Government could suggest to supply the hemp required, both from the Company's territory, and the Concan, had failed. The Bengal Government had informed us that the provinces in that quarter could not furnish any thing near the quantity required, and directed us to adopt such measures *as should appear to us* best calculated to promote the wishes of the honourable Court, and His Majesty's ministers. It was not therefore till after the Company's districts were exhausted, till after every hope of adequate supply from them, or through the agency of the Company's *subordinate* servants, had vanished, that we acceded to the tender of Bruce, Fawcett and Co. for a cargo of Concany hemp; and, as this hemp was known to be of the best quality in all India, far superior to the Bengal Sunn, equal in some specimens of it at least to the produce of Russia, tendered at a rate cheaper than it was possible for us to make the supply through the medium of the Company's shipping; and the produce of the Concan, which the honourable Court admit, was not meant to be excluded; nay, precisely that description of hemp, which the Court's order to us of December 1807, desire may be sent in any procurable quantity, provided the price be not much enhanced. I can confidently add, that so far from any intention to violate either the letter or spirit of their orders, the Bombay Government conceived they were actually fulfilling both.

17. As to the scheme requiring time and gradual meliorations of culture, it is only necessary to repeat, that all the experiments of this kind in Salsette had decidedly failed; whilst, as if anticipating disappointment from this source, our orders still required a supply of Salsette or Concany hemp "to its utmost practicable limits," and peremptorily restricted us to a period of three years to make it, with a fourth year to clear off the remains on hand.

18. It should also be remembered, that the orders of April 1807, relating to gradual supplies, and improved cultivation, expressly refer to "a state of amity between His Majesty "and the Powers of the North," whereas in December 1807, when circumstances had changed, and the demand was more urgent, we are as expressly instructed, that "if whilst "this business (cultivation, &c.) shall be in progress, you can, from the usual produce of "the country, purchase any quantity of Salsette hemp (the same as Concany or Rajepore) "on account of Government, we direct you to do so, taking care that the cost be not "materially enhanced above the usual rate."—It is also added, "we expect with confidence "that nothing will be wanting to ensure the supply of some considerable quantity of Sal-"sette hemp being received by us in the course of the year 1809." The tender of Bruce, Fawcett and Co. was made early in 1809; by accepting it we were enabled to fulfil; by rejecting we should most certainly have disappointed, this confident expectation of the honourable Court.

19. The honourable Court say, they "do not perceive any suggestion to enter on a pro-"vision of hemp on account of the Company;" yet in my explanatory minute, 14th May 1810, to which I respectfully beg leave again to refer, the attempts made in this view, and their failure, are distinctly noticed; together with our report thereof to the Bengal Government. These explanations, it would seem, were not then satisfactory to the honourable Court. The failures, however, they refer to, impressed persons on the spot differently; and were deemed indeed so decided and complete, as only to leave the Bombay Government in despair of being able to comply, in any material degree with the honourable Court's indent.

20. The honourable Court next allege the Company's agents could have procured this Rajepore hemp as cheap, and in as large quantities at least, as any private merchant; that all the allegations to the contrary seem to them entirely groundless; and that our adoption of Bruce, Fawcett and Co's. offer went, on the contrary, decidedly to prevent the designs of His Majesty's ministers and the Company.

21. The recital already given, together with the inclosed paper, No. 1, prove in the fullest manner, how little our direct efforts had been able to effect. It may be further added, that previous to the tender of Bruce, Fawcett and Co. the Governor, as before observed, had despaired, in common with his colleagues, of procuring any but petty supplies of hemp, and we reported accordingly to Bengal. The fear, however, of a private effort succeeding, when all his own exertions, backed by the strong hand of power, had so decidedly failed, would seem to have animated him to fresh exertion. The result of this further effort is given in the enclosure, No. 2, on which it is not for me to comment, further than to submit to your honourable Court on which side obstructions to the supply of hemp really lay.

22. The honourable Court seem much displeased that the house of Bruce, Fawcett and Co. should be secured, as they understand, in a profit on this transaction, animadvert on a fixed price being guaranteed to them; and continue to believe, that an unqualified option was left with the owners of the Cambrian to sell this hemp in the market on their own account, so as thereby to disappoint His Majesty's Government altogether, and to disappoint the Company from being the agent and medium of supply.

23. It is not usual, I believe, for private merchants to engage in very distant speculations, without a certainty, or probability nearly tantamount to it, of profit. Even if willing to incur a certain loss, it would be unjust, as well as unwise, in Government to encourage pro-

No. 1. Mr. Rickards's Memorial, of 9 Sept. 1811.

jects so incompatible with the best principles of mercantile enterprize. Nothing too is more common than, sometimes from policy, and sometimes from necessity, to guarantee reasonable expectations of profit in infant undertakings.

24. In the present case, however, the guarantee price had no reference to profit. £.65. per ton was estimated as barely sufficient to secure the speculators against positive loss, whilst a chief object with them in this undertaking, as avowed in their own letter, was to find employment for their shipping, during a general and very distressing stagnation of the trade in India. I can add now, from knowledge of the facts, that, in consequence of the interference above explained, of the Governor of Bombay, in the purchases of Bruce, Fawcett & Co. in the Concan, the guarantee above mentioned has not, after all, nearly reimbursed the costs and charges of the Cambrian's cargo.

25. Of the act of guaranteeing this price, and of the alledged unqualified option above referred to, I shall briefly state what I conceived the papers and explanations sent home would have been long ago sufficient to illustrate. If they have not done so, the fault is not with me, but with those entrusted with the preparation of the official dispatches, which are always superintended by the Governor himself, but which the Members of Council do not sometimes even see, except to annex their signatures. The tender then of Bruce, Fawcett & Co. was a supply of 700 or 800 tons of hemp, to be sent home on a teak-built ship, in the same way as hemp on the same account had been sent home from Bengal, viz. through the medium and agency of the East India Company, for the use of his Majesty's Government; but with this material difference and advantage, that in respect to this particular cargo, neither the King nor Company had to incur the smallest degree of risk. For this the merchants aforesaid were to receive the market price of the day on its arrival in England; provided nevertheless they were insured £.65. per ton, as otherwise they repeatedly and unequivocally declared they could not even commence the undertaking. There was thus an option reserved to the East India Company, in the first instance, either to retain and deliver to Government, or to reject this hemp at any higher market price than £.65. per ton, and a further option to reject, under any circumstances, every parcel thereof, which should not turn out, on examination in England, to be of the very first quality of Concany, Rajepore, or Salsette hemp, of which the honourable Court were to be the sole judges. The merchant owners had clearly no option in respect to this hemp, until the whole or any part of it, according as the terms of the agreement sanctioned, should be thrown on their hands by the honourable Court. They certainly, therefore, had no power to disappoint his Majesty's Government and the honourable Court altogether.

26. This contract, it is true, was not drawn out in due form of law; but these are the plain terms of it; which the house of Bruce, Fawcett & Co. have always avowed, and to the last of my stay in India, invariably confirmed; and these, and these only, are the terms which I acceded to.

27. In judging of the expediency of the guarantee price, I respectfully request it may be considered, that it was granted to encourage an infant undertaking, of vital importance to the interests of Great Britain, when every other means had failed of procuring, in adequate quantities, this so highly desired and particular species of hemp; that without this guarantee, the undertaking would positively not have been commenced, and that 700 tons of excellent hemp would have been lost to our native country, at a time when the demand for it was considered in India to be most urgent; that Bengal Sunn (an inferior species) was selling at the time at £.66. per ton; that it was probable His Majesty's Government would not have scrupled giving a higher market price, if necessary, to encourage an infant undertaking of so much national importance, or if they did, that they had still, through the medium of the Company, the power of rejecting it; that if the price fell, His Majesty's Government would still be furnished with the best material, (for to none other did the guarantee extend, every thing short of it might be thrown back on the owners,) at a rate far cheaper than it was possible for the Company to furnish it to them in any other way; that in making sure of this inferiority of cost, reference was had to the honourable Court's orders, which so confidently anticipated a supply of Concany hemp to its utmost practicable limits, without any material enhancement of price; whilst the rate of the guarantee had so far further reference to the same orders, being only the *estimated prime cost and charges that were thus secured to the owners*; and finally, that the whole of this transaction in England was, by positive stipulation, to be carried on through the medium and agency of the honourable Court alone.

28. In respect to the market price being left open to the owners of the Cambrian, it should be remembered, we had only the option of acceding to the offer as made, or to lose so much good hemp at a period of the greatest distress, altogether; £.65. per ton was estimated as the lowest price at which hemp could at that time be sent home by the private merchant. Had we bargained for a fixed price, Bruce, Fawcett & Co. would have expected a higher one; but as they were willing in this respect to take the chance of the market, it seemed better for the Company to do so too, for whilst on the one hand the market price was not likely to reach that of the hemp freighted on the Company's ships (£.86. to 88.) they had on the other hand the chance of getting it at or near the price of the guarantee. If, again, the market price fell below the guarantee, as the latter was the lowest rate at which Salsette hemp could at that time be conveyed to England, it was still an advantage, unless it can be proved to be better for the King or Company to pay for it at £.86. than at £.65. at which it was at length procured.

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29. The honourable Court are pleased to say, that His Majesty's Government had rejected this hemp, thereby throwing it, with all consequent loss, on the Company's hands. I have since learnt, that the Navy Board afterwards took the whole cargo, with the exception of a small quantity damaged on the voyage, and which of course, by the agreement, reverted to the owners. It is also worthy of remark, that by the arrangement adopted the King got this excellent material at £.65. per ton, when a few months afterwards the price of the same commodity rose to £. per ton in the London market.

30. In respect to the honourable Court's alledged apprehensions of loss, it is quite obvious, I respectfully submit, that the Company could incur none. By agreement with the Navy Board, the Company were to be reimbursed in the full cost and charges of their importations of Indian hemp. The guarantee had reference to this part of the agreement, as I have already shewn that it was only the estimated cost and charges that were so guaranteed, whilst that cost was considerably lower than if the supply had been made through the medium of the Company's shipping. It was not to be supposed however, private merchants would engage in an expensive speculation, without a prospect of advantage; and when they stipulated for the chance of a higher market price in London, we readily acquiesced, deeming it no unfair compensation for all the risks of loss and damage which they incurred, as well in the provision of the cargo as in its conveyance to England. This, too, was evidently better for the King; for here he incurred no risk; whereas on the hemp conveyed in the Company's shipping, the risk was apparently all his own, the honourable Court's orders of December 1807, requiring all losses incurred in India on parcels of hemp, to be added, as a general average, to the consignments of the season. The agreement for the Cambrian's cargo also stipulated, that neither the King nor Company should be burthened with hemp of inferior quality. I do not observe any such provision in respect to the consignments in the Company's ships from Bengal; a consideration which must be admitted to give the consignment of hemp per Cambrian, a further decided advantage over the Bengal supplies.

31. These, at all events, are the considerations which influenced the bargain made by the Government of Bombay for the Cambrian's cargo of hemp. Of the motives which actuated the measure, I can further solemnly declare, that I ever conceived it, not simply, but eminently calculated to meet the wishes of His Majesty's ministers, and of the honourable Court.

32. The next occasion of the honourable Court's displeasure, was a representation by the house of Forbes and Co. and Bruce, Fawcett and Co. in January 1810, of the ruinous price which cotton had attained in 1809, begging Government to withdraw its competition for a season from the market, and offering to supply, at its actual cost, the quantity of cotton they might require to purchase for the Company's China trade in the current year, a proposal in which Government then thought it expedient to acquiesce.

33. On this head it will only be necessary to premise, that the Company take the cotton of their own districts in Guzerat in kind, partly as revenue, and partly otherwise, at a reduced price; and that for any additional quantity wanted, they enter the general market as purchasers; in which view the merchants thought that the Company's competition was at least one cause of the high prices of which they complained, and solicited that the effects of its removal might at all events be tried.

34. In the honourable Court's animadversions on this transaction, they are pleased to assume the following, as facts, viz.—That the Company exercise no monopoly in their own cotton districts, or throw the least obstruction in the way of private buyers; that their servants only take from these districts the amount of the established revenue in cotton; that this is accounted for to the ryots, at a price equivalent to the general market rate of the season; and that they do not exercise power or influence to get the commodity at a less price, "than the said market rate, or than the owners are content to sell it at." Admitting at the same time, that if this were really the case, "there would then be at least a consistency be-"tween the alledged cause and the alledged effect." Their competition in the general market is also supposed to be attended with no injury whatever in its effects.

35. From some of the more partial statements entered on the public records, it is possible these inferences may have been deduced; and I have no doubt that these are both the conviction and intention of the honourable Court, as well in reference to their own ryots, as to the merchants residing under their authority in India. But the real state of the case is widely different; their records contain unequivocal proofs of the following facts, as I pledge myself if necessary, to exhibit in the official reports of their servants, and an uninterrupted series of orders by the local government.

First; That the Company monopolize the cotton in their own districts, or at least of the tulput or government lands, taking not only the whole revenue of these districts in cotton, but the "surplus" produce at the reduced price fixed by their servants. Thus, let us suppose the whole produce of a tulput district to be as 10, of which the grain produce is 2, and the cotton - - - - - - - - - - - - - - - - 8

The Company's share of revenue will be in all 5, but of cotton only - - - - 4

The remainder of the revenue is grain convertible, according to established usage, into a money payment; but for this, cotton in kind is also substituted, and therefore takes another share or - - - - - - - - - - - - - - - 1

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There then remains a "surplus," the unquestionable, exclusive and allowed right of the cultivators of - - - - - - - - - - - - - - - 3
Over which the Company can have no possible claim but that of absolute force; yet this is also taken from the ryots at the reduced price fixed by their servants, making - - - - - - - - - - - - - - - - - 8

Or the whole cotton produce of the district, without leaving any portion of the avowed share of the ryots at their own free disposal.

The produce of the tulput lands of the Broach collectorship in cotton is estimated on record at 12,000 or 14,000 bales; that of the free lands at 3,000; so that the Company monopolized in this collectorship, in the first instance, 4-5ths of the whole produce; the remaining 5th belongs to the actual proprietors of estates called grassias and wuzeefadars; and whose rights, as such, are undisputed. Of these it is recorded in 1808, that the commercial resident attempted to take their produce on the same terms as that of the tulput lands. The wuzeefadars strenuously resisted; the commercial resident loudly complained. A reference was made by orders of Government to the judge of the district, and through his interference the wuzeefadars conformed to what was called the common practice of the pergunnah. It would seem from the record, that the wuzeefadars only submitted to the system in 1808, though the orders of Government, as seen in their proceedings, uniformly required the *whole produce* to be appropriated to the use of the Company.

Secondly; That this monopoly is a continuation of that established in 1791, under Scindia's government; and retaining some of its features, is thereby calculated to keep up the original sense of its injustice, and to level our Government in the estimation of the natives, with the despotism which preceded it. The plea of perpetuating the practice of the old government, is only good in relation to usages whose proved utility may have rooted them in the attachment of the people, but no justification of the rapacious exactions of a Mahratta fouzdar; and the more especially, where even the pretence of antiquity cannot be advanced to lay claim to our respect.

Thirdly; That this monopoly has been uniformly authorized, and even required, by the orders of Government, from the first of our footing in Guzerat, to the positive exclusion of all private buyers from the Company's districts, though such a measure is now declared to be contrary to the intention and understanding of the honourable Court.

Fourthly; That this monopoly has had the effect of nearly doubling the price of cotton in Guzerat.

Fifthly; That if the Company were now to relinquish this monopoly, and the trade were thrown open, the price would materially fall, whence it follows, that the Company's interference not only rises the market price of the article to buyers, generally, but that the Company's agents still withhold from the ryots that market price which their own competition has materially contributed to enhance.

Sixthly; That this cotton is taken from the cultivators, in the first instance, without any price being either fixed or intimated; the reduced price is only pronounced at the close of the season, after all the cotton has been disposed of, and sent off to Bombay; it not being right, as the report observes, "to fix it at the commencement of the season, when the "price is high, and expectation great, lest it might perhaps create some degree of discon-"tent among the ryots."

It follows from this rule, and the orders of Government on which it is founded, and the price of cotton is fixed by the agents of the buyers alone, i. e. by the judge, the collector, and the commercial resident, who exercise the whole civil authority of the district over, generally speaking, a slavish, patient, and forbearing people; and that the sellers are in reality allowed no voice in the value of their own commodity, or even suffered to know what they shall get for it, till after it has been far removed from their reach, and the country, by previous exportations to Bombay.

Seventhly; That orders were issued for a further reduction of price, if practicable; and that the servants to the northward, thought it their duty, in pursuance of these orders, to offer it as their opinion, that a further reduction of 10 or 12 per cent. might be unobjectionably effected.

Eighthly; That the further reduction of price was not meant to be attended with a corresponding diminution of revenue, although the payers of this revenue are avowed to be the only sufferers by the reduced price of their cotton.

Ninthly; That Government in this very report, and in reference also to the honourable Court's orders of the 30th April 1806, expressed in December following their expectation, always tantamount in its effect to an order, to the northern servants, that the price of the Company's cotton to the ryots should be fixed at 10 or 12 per cent. lower than the same class of people get for it in the neighbouring Mahratta pergunnah. The Company's price to the ryots has consequently been always under, and in 1809 was 30 rupees per candy or 25 per cent. under the general market rate. Whatever may be said of the Company's right to the revenue cotton at this reduced price, it is for the honourable Court to judge how far it should also be applied to the "surplus cotton," which the ryots have certainly an avowed and exclusive right to dispose of, if they please, in the general market; but which, contrary to

the

the declared intention of the honourable Court, it is thus seen they are positively restrained from selling.—And,

Finally, That though the honourable Court's orders of the 30th April 1806, evidently refer to a general reduction of the price of cotton, to save a branch of trade to the western side of India, which it was otherwise expected to lose, yet the views of their servants in India never extended beyond reducing the cost of that portion, which was intended to constitute the Company's annual investments to China. It is remarkable, that the object of the honourable Court's orders was thus wholly defeated. They intended good, but produced in their operation a material aggravation of the very evil which the Court proposed to remedy. By their servants withdrawing a large portion of cotton from the ryots, or sellers, at a reduced price, and the other means recurred to give effect to these orders, the residue of the commodity became materially raised in price in the general market.

36. I have thought it best to state these heads generally; were I to detail all the proofs by which they may be supported on record, it would extend this address to an irksome length, and would, I fear, wear the appearance of a controversial discussion with the honourable Court, which I feel particularly anxious on the present occasion to avoid. As I pledge myself however, to prove these facts, and as the records which contain the proofs are at hand, there may be less difficulty in admitting them to justify any expressions I may have used in reference to the injuries I thus knew to be sustained, and which my recorded minutes specifically state were only intended to be applied locally, that is, exclusively to the internal trade of the country and government of its subjects, and to have no reference whatever to the honourable Company's exclusive privilege, which as sanctioned by the Legislature, and myself a Company's servant, I never had the slightest intention to comment upon or disturb. I ever considered it however, as much the study of a faithful servant, as the wish of the honourable Court themselves, that they should be fully apprized of important facts connected with the prosperity of their Indian territories; and in what I recorded, as well as what I would have continued to explain, on these subjects, I certainly meant no more than a respectful disclosure of truths material for the honourable Court to know; and which, after submission to their notice, it would of course rest with them to act upon, or otherwise, as they might deem most conducive to their own true interests.

37. Several other injuries might be adduced, as resulting from this little understood state of the cotton trade; but the preceding are probably sufficient to answer all the purposes here intended.

38. These facts may also, I trust, serve to justify the disposition I have occasionally evinced to promote, where it seemed to require it, the internal trade of India generally, but which I find has been unaccountably construed in this country into an improper concurrence in the interested views of the two houses so frequently mentioned in this address. I should really think it beneath me to offer even a single explanation on so degrading a charge, did I not perceive it to have been artfully impressed on persons I sincerely respect; and it is not a little mortifying to be obliged to deny an accusation at which the principles of my public conduct actually revolt. It is perfectly well known in Bombay, that I never was on terms of intimacy with either of these firms; that no intercourse passed between us but that of ordinary civility; and that for a long time previous to the proceedings here treated of, and during the whole course of my subsequent continuance in office, I had not a pecuniary transaction of any description with either. In what respects therefore, these houses could have influence over me, remains to be explained by those who have clandestinely preferred so base a charge. No civilized or enlightened government would surely withhold its fostering care and protection from the legitimate trade of its subjects; and in speaking of the merchants of India, I have always had in view that general body, which it is as much the policy as the duty of the governing power to favour equally; a principle which the honourable Court have, in their instruction to India, frequently enjoined, but which partiality to particular merchants or houses would effectually violate and defeat.

39. On the head of competition in the purchase of cotton, I shall, for the same reason as adduced in the 36th paragraph, say but little. All I ever advanced on this head was, that the Company's competition was one, though not the sole cause of the high price which cotton had attained in Guzerat; the undue competition of the private merchants another. The honourable Court however insist on the latter fact, and deny the former altogether, on the authority of a report to this effect by the commercial resident at Surat; yet if the honourable Court will be pleased again to refer to the records of 1809, they will find the same commercial resident avow, in the very same year, and when not personally accused himself of injudicious acts or heedless purchases, that "on the 14th March he had every hope of "purchasing cotton at moderate rates," whilst on the 25th following he adds, "it has been "unfortunate however, that the honourable Company's views were publicly known at "Broach before he received his orders; and the consequence was such an immediate influx "of competitors, as to occasion a considerable rise in the market price. By withholding for "a day or two, I however was enabled to conclude engagements for about fourteen hundred "bales packed, at 150 or 151½ R^{s} per candy, being 1 to 1¼ less than it had risen to at "first; but it immediately afterwards obtained 155 and 156 R^{s}, at which it has since "continued."

40. In 1798 the commercial resident at Surat was first employed to purchase cotton (I believe about 2,000 bales) for the Company. If the honourable Court will please to refer to

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their diaries of that period, they will see a series of mysterious proceedings, with injunctions to the strictest secresy, in this trifling purchase; and merely that the price of the article might not be affected by the Company's competition, or obstacles thrown in the way by a knowledge of their intentions.

41. Just before I quitted the Council Board a letter was received from another commercial agent, ordered by Government to purchase timber, in which he remarks, "I have, in "consideration of the tendency which the Company's wants *always* have to raise the "market, entrusted this business also to Mr. Crookenden's management, and he has "sent trusty people, fully instructed to make such arrangements as they may find "practicable."

42. To multiply proofs of this description, is however quite superfluous, for the records are full of them.

43. Some years ago it was stated, on good authority, that 70 R^s per candy of cotton to the grower, was equal to the average which grain yielded. In 1808 the judge of Broach observes, that 30 R^s per bhar, i. e. 79$\frac{1}{2}$ R^s per candy, would afford a good profit to the cultivator. At this rate the ultimate exporter might expect to get cotton at 100 R^s to 110 R^s per candy to the northward, and therefore 120 to 130 rupees in Bombay, at which rate it would admit of consignment to China; but when the northern price is so high that the average of the season gives

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D^r - - STATEMENT of an Adventure in Cotton from Bombay to China,

1809.			
April 1.	To cost of 4,000 bales, or 2,000 candies of cotton, at the average price of the last 5 years, (or since the Company have renewed their adventures in cotton) or R^s 150 per candy, rupees - - -	300,000	
	Charges of packing, screwing, shipping, &c. at R^s 10 per candy -	20,000	320,000
	Insurance on the above, to cover in case of loss from Bombay to China R^s 360,000. at 6 per cent, being the lowest terms of the Bombay Insurance Office, including harbour risk while lading - - - -		21,600
		R^s	341,600
December 1.	Ditto on the returning funds from China to Bombay, covered as above, on R^s 488,000. at 5 per cent. d^o d^o - - - - - - -		24,400
1810.			
April 1.	Interest on rupees 341,600. for one year, and on R^s 24,400. for 4 months, at 8 per cent. per annum, being the Company's rate of interest, but which is 1 per cent. less than the mercantile rate - - - -		27,978
		R^s	393,978
	The expenses of the ship for the voyage, viz. Interest for one year on rupees 200,000, the lowest value of the block of a ship of 1,000 tons, at 8 per cent. - - - - - - - - -	R^s 16,000	
	Insurance thereon to China at 6 per cent. -	R^s 12,000	
	D^o D^o from China at 5 per cent. - -	10,000	
	Interest on premium paid - - -	1,226	
		23,226	
	Wages to the commander, officers and crew, provision, wear and tear, &c. say for 10 months at R^s 4,000. per month - - - - - - - - - -	40,000	
	Ship's measurement in China (a harbour duty to the Chinese Government) say at least - - - - -	15,000	
			94,226
		Rupees -	488,204

N. B. As no more than one China voyage can be performed in the year, the adventurer must in all cases defray the full year's interest on block; but in order to state the expenses as low as possible, only 10 months wages are supposed in this statement to be actually paid.

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46. To the sources of extraordinary competition above mentioned must be added the state of the seasons, and the limit thereby placed to commercial speculations in Guzerat. Generally speaking, no boats laden with cotton put to sea after the end of April; and every purchaser is anxious to complete his bargain in time, to convey his cotton to Bombay before the monsoon, in order to avoid the damage the additional expence of warehousing it to the northward, and the disappointment of not being able to send it in due season to China. The cotton

gives, as in 1800, 175 rupees per candy on the Bombay green, there is an end of all profitable speculation to China by private merchants.

44. The honourable Court, in their orders of the 22d February 1811, seem to think there is no proof of the price being too high; yet all the facts I have adverted to are on record, inclusive of their own letter of the 30th April 1806, in which a much lower price than that of 1809-10 is considered by them as fraught with alarming consequences to this trade. Neither is it probable the merchants themselves would have wantonly represented this increase of price in such strong terms to Government, if ruin had not actually stared them in the face.

45. In Bombay I was at pains to collect an accurate account, taken from the books and correspondence of the first mercantile houses, of the selling prices of cotton in China, from 1804-5 to 1809-10 inclusive. This price I can assure the honourable Court does not average more than 12 tales, 7½ mace per pecul; the Company get more, but theirs is so far a nominal price, that is carried to account, without interest, with the Hong merchants, on which the latter now owe the Company I apprehend a heavy sum. The money prices of China, consequently the real selling prices, are no more than what I have stated.

The merchants can at all events get no higher. On these grounds the following statement will be found to exhibit a correct view of the out-turn of a speculation in cotton to China, in a private ship navigated in India, which I believe the strictest scrutiny cannot controvert.

on a Country Ship of 2,000 Candies, or 1,000 Tons burthen. - - Cr

1809. October.	By sale of 2,000 candies of cotton, or 11,760 peculs, at 13 tales per pecul, (being higher than the average price of the last 6 years*) are tales 152,880, or R$ - - - - - - - - - -	458,640	
	Deduct landing charges, wastage and agency in China, say in all, 5 per cent. - - - - - - - -	22,932	
	Net proceeds - - - R$	435,708	
	Or at 216 R$ per 100 D$ Spanish d° - - - - -	201,716	
	Take off exchange on new D$, at 1½ per cent. shroffage and shipping charges in China, and landing charges at Bombay, say in all 1½ per cent. - - - - - - - -	3,025	
	Spanish D$ - - - -	198,691	
	Which invested in new dollars, as the greater part of the returns from China have of late years been, and returned to Bombay, will realize there at the most 219 rupees per 100 dollars (the rate obtainable from the Company's mint), by the 1st of April 1810 - - - - R$		435,133
1810. April 1.	Probable freight from China to Bombay, allowed in this statement, but which is seldom earned by more than one or two ships of each season, say - - - - - - - - - - - - -		15,000
		Rupees	450,133
	Balance, or net loss on the adventure - - - - - -		38,071
		Rupees	488,204

Bombay, 1st April 1811. (Errors excepted.)

* The sales in China for the last six years only average 12 tales 7½ mace per pecul; but I have purposely assumed this higher rate of sale to obviate objection against this statement.

cotton dealers take advantage of these circumstances, to keep up a price which the purchasers are thus pressed by more than ordinary causes to acquiesce in. Among the injuries sustained in the cotton trade, it is as well known in Bombay, as the bankruptcies of a Gazette are in London, that the causes of disorder which are thus shewn to have long existed, have actually ruined and expelled from the trade a horde of petty merchants in Bombay, who used formerly to engage in it annually to China, and that none but the richer and

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greater houses, have been able of late years, to support the losses constantly attending it, occasioned by higher buying prices in Bombay and Guzerat, than the selling price in China was sufficient to cover. There are persons of the highest respectability now in England, who can attest the last mentioned fact, from an intimate knowledge of all the circumstances of these distressing failures.

47. The proposal made by Bruce, Fawcett and Co. and Forbes and Co. in January 1810, was in perfect consistence with the views thus given of the state of the cotton trade. Cotton had been raising in price from the causes above explained, till in 1809, it attained the rate of from 173 to 180 rupees per candy in Bombay, with a few hundred bales at 184 rupees. With no prospect of abatement of price in the following year, the merchants represented the ruinous consequences of such a state of things to their own interest, and entreated Government to withhold, at least, their own competition, as an experiment for one year; offering to supply them with any quantity they wanted of good China market cotton at the bonâ fide cost of the commodity to themselves.

48. On this proposal, when in circulation for the consideration of Government, and before the meeting of Council to decide on it, I recorded a short minute, adducing very concisely the reasons which led me to think, as well in view to the public good, as the commercial interests of the Company, that the proposal "might merit consideration." The Council afterwards met, were unanimous in their opinion of the advantage, if not necessity, of the proposal; and all I did was to concur in this unanimous resolution. Yet, hard to say, the whole blame of this transaction is again attached to me. I alone am accused of betraying the Company's interests, and my own trust; of siding with their declared enemies against them, of exposing and publishing their secrets to the world; and of not taking the proper means of communicating my sentiments to the honourable Court. When this heavy censure first reached India, the humble and harmless minute against which it was levelled, had so long lain in oblivion and obscurity, that I had actually forgotten its existence. I can safely add, that at this time, no human being, excepting the Members of Government, the Court of Directors, and their respective Secretaries and Assistants, had to my knowledge seen it. If therefore it has been published to the world, it must be through some mischance, at the India House; for at Bombay, it was in profound rest, and nothing but the electric orders of the honourable Court, would ever have caused it to rise again from its official dust. As to the mode I have always adopted of imparting my sentiments to the honourable Court, permit me to ask in what other way I could have done it. The mode adopted was in the strict official line of my duty. It was a confidential communication, on records only open to the inspection of their Government in India, and of the honourable Court at home, and involving no kind of publicity that was not indispensible to a free discussion, between masters and servants, of things intimately connected with the former's interests.

49. To the arguments of the honourable Court, accusing us of throwing, on this occasion, the worst, and most injurious of all monopolies, into the hands of Forbes and Co. and Bruce, Fawcett and Co. it is only necessary to oppose a statement, taken from the Custom-house records, of the imports of cotton into Bombay in the season in which the monopoly, as it is supposed, was granted to the houses aforesaid. The other merchant importers (exclusive of the honourable Company, and the two monopolizing houses) are no less than 70 in number; all importing their usual quantities of this commodity; whilst I am authorized to say, and ready to prove, that the aforesaid misnamed monopolists only imported their usual supplies also, in addition to what they purchased for the Company. Neither were the purchases of these houses made jointly, as asserted by the honourable Court, so as thereby to reduce these two principal purchasers into one; they were actually made by separate agents, and even charged at different rates to the Company, Forbes and Co's. cotton costing R' 156. 2. 18. per candy, and that of Bruce, Fawcett and Co. R' 153. 3. 14.

50. As to the secresy of this transaction, it must be obvious to every one, that if Government had proclaimed their employment of these merchants to purchase cotton, it would have defeated the object in view. Had the sellers known that the Company were still in the market, their motives for demanding a high price would have continued in equal force. Whether A. or B. were the agents of that buyer would have been a matter of perfect indifference to them.

51. Though the honourable Court are pleased to term a proposal, whose object was to narrow excessive competition, in a small degree monstrous and extraordinary, and incompatible with the principles of commerce, there is yet nothing in it at variance with the ordinary usage of Government, as the public records abundantly testify.

52. Previous to 1798, the Government always bought their cotton in Bombay, and employed no agent to compete in the Guzerat market.

53. In 1801 they purchased cotton again, in Bombay, from the merchants.

54. In 1802 they were pleased to approve a plan which narrowed the competition still more effectually than any thing that has been since adopted. A committee was then formed, consisting of a member of council, as resident, and a deputy from each commercial house, to make a joint purchase of the cotton required by the parties respectively. The plea for instituting this committee was also the enormous price to which, under competition, had raised the cotton in Guzerat, and the adulterations which are so fully explained in the

honourable

honourable Court's letter; and the object in view was then also to lower the price, and improve the quality, of the commodity. As the committee employed only one agent to make their purchases to the northward, there was then, in fact, no competitor in the market. Yet a scheme thus more than barely narrowing the competition, was at this time acquiesced in without objection.

No. 1.
Mr. Rickards's Memorial, of 9 Sept. 1811.

55. In 1804, on a strong representation from the same houses as in the present instance, coupled with that of Adamson (since dead), as to the very same evils experienced in this trade, Government agreed to withdraw from the Guzerat market, and to receive the quantity of cotton they required, about 12,000 bales in that year, through the agency of the merchants, at the bonâ fide cost of the season.

56. The merchants, on this occasion, impressed in the most urgent manner on the attention of Government, that nothing but a perfect union of measures on the "part of Government and the merchants, not only in the present but during several succeeding years, could "preserve to the settlement of Bombay the benefits of this extensive, and, they added, its "almost only commerce." This proposal further stipulated, "that Government shall withdraw from the market, on the merchants engaging for the provision and delivery in Bombay, of a quantity of cotton equal to the lading of the honourable Company's tonnage "expected from Europe, for which payment shall be made at the average rate of their "purchases. In either case, however, it was to be understood that Government will, as in "the season of 1801-2, by every reasonable means in their power, promote the object "which the merchants had in view; namely, to prevent the adulteration, and reduce the "price of cotton."

57. Government in acceding to this proposal, "adverted to the 98th and 99th paragraphs of the general letter from the honourable Court of the 24th June 1803, whence it "appeared to be consistent with the opinion of the honourable Court, that this Government "should, under the circumstances set forth by the merchants, continue its endeavours towards counteracting the combination of dealers to the northward, for enhancing its price, "and debasing the quality of the cotton."

58. This proposal, dated in February 1804, makes no particular mention of the Company's interference in the trade, because the effect of their competition, coupled with the monopoly of the cotton of their own districts, had not yet been felt. It was the first season of their entering the market, since the acquisition of Broach, and February was the commencement of that season; but in April following the collector of Broach having secured from the ryots 4,000 candies of cotton, by which it was withdrawn from the general market, and therefore from fair competition, and having tendered it to the merchants for sale at a high price, these complained of it loudly, as a breach of the original engagement with Government; adding, "this injudicious interference in the Broach market would be of the less consequence, if its "effects were confined to that district, but it had produced the prejudicial consequence of "enhancing the price over the whole country to a most serious extent."

59. This, then, is an exact precedent. The proposal in both cases is the same; the houses are the same, with the addition of Adamson; the object is the same; the mode of execution the same; and the policy which sanctioned both measures equally clear and urgent. The only discernible difference in their main features is in the adverse sentiments of the honourable Court, who are pleased to punish with extreme severity in 1811, what in 1804-5 they saw no reason to disapprove.

60. It is proper to mention, for the sake of entire accuracy, that Government, for want of funds to pay for it, finally returned this cotton to the merchants; but this does not affect the strict analogy of the two cases; for the surrender of the cotton did not take place until after the purchase had been completed, and the cotton arrived in Bombay, and therefore not till after all those supposed causes of evil, which the Court now ascribe to the transaction, had had their full effect.

61. There are also reports on record from the northern servants, actually recommending all competition in the Guzerat markets to be suppressed. One of these, in addition to a proposal for suppressing all competition, as equally conducive to the advantage of the Company and the merchants, recommends "that the whole cotton of the year might be purchased by the Company; and such a proportion appropriated to supply the demands "of individuals, as upon enquiry, or the experience of former years, might be found "equitable."

62. Whilst measures and propositions like these were known to be on record, and favourably received, there was certainly little reason to apprehend that suggestions proposing the same end by milder methods could be disapproved.

63. Nay, if reference be had to the orders of the honourable Court of 30th April 1806, it will be seen that they anxiously pressed on the attention of Government the necessity of recurrence to effectual measures for reducing the prime cost of Surat cotton generally, to prevent the annihilation they otherwise apprehended of this branch of trade. At the time these orders were issued, the price of cotton was much lower than in 1809-10. When, therefore, the evil had increased in magnitude, and the necessity for reduction became more manifest and urgent, it is submitted to the honourable Court's justice, whether a simple concurrence in the only immediate means of accomplishing it, and in which the whole

No. I.
Mr. Rickards's Memorial, of 9 Sept. 1811.

Board unanimously voted, should draw down on me alone the utmost severity of their censure and punishment.

64. As to the alledged disrespect of the merchants representation in 1810, and the censure cast on Government for not resenting it, the letter will be found to vary but little in substance from the similar representation above noticed in 1804. It appeared to me to contain nothing more than what the merchants had frequently represented before, both verbally and on record. The grounds of this representation were true, and being fraught with extreme injury to their interests, might be allowed to justify some warmth of expression; but even if this had passed the proper limits of decorum, it would yet remain to be proved, whether quickness in anger was more consistent with the dignity of Government, than that calm composure which, to inflexible steadiness in right actions, adds the charity of forbearance towards minor offences.

65. I can add, from my own knowledge, that no member of the Board, when this proposal was before us, entertained an idea of offence being intended; indeed insult or disrespect were incompatible with the object of the representation. Men of sense seeking a favour of great importance to their interests, would hardly clothe it in language fatal to the success of their request.

66. On the honourable Court's objection, that the arrangement with the houses above mentioned in 1810, went to prevent the export by the Company of cotton to Europe, when necessary, it will be sufficient to observe, that the cotton sent to Europe on account of the Company is always toomil, with the addition of the best picked bales of the other cotton, to make up a cargo. All this is invariably the produce of the Broach purgunnah; with which the purchases of Forbes and Co. and Bruce, Fawcett and Co. could not, and were not intended to interfere; wherefore not a single pound of the Company's cotton could possibly have been prevented going to Europe, by the arrangement in question.

67. Finally, it will be seen in the honourable Court's own records, that the average price of the Company's purchased cotton in 1809, was 175 rupees per candy, exclusive of interest. There was every probability as aforementioned, of the price continuing in 1810, but for the arrangement we adopted with the merchants. Under this arrangement, the Company were supplied with about 4,000 candies of cotton in 1810, at the average cost from both houses, and made up with interest to the 1st August 1810, of 155 rupees per candy. The Company must therefore be said to have saved by this transaction, more than 20 rupees per candy, and therefore on the whole purchase of the year (near 4,000 candies) about 80,000 rupees, or £10,000 sterling.

I have the honour to be, with the greatest respect,
Honourable Sirs,
your very faithful, and obedient humble Servant,
(Signed) R. RICKARDS.

London,
9th September 1812.

Sir,

The Court of Directors of the East India Company have considered your letter, referring to their orders of the 22d February 1811, which removed you from your seat in Council, and, as you state, "declared you unworthy of the Court's future confidence," and appealing to that justice and liberality which have so frequently distinguished the Court's public acts, when there was injury to be repaired, or merit, however humble, to be rewarded—

It appears to the Court, that there is an error in the above quotation made by you, of the Court's having declared you unworthy of their future confidence, as will be evinced by the concluding paragraph of their orders of February 1811, paragraph 27, which is as follows: —"With respect to Mr. Rickards, although he has incurred our displeasure in the instance "above-mentioned, yet, as we entertain a favourable opinion of his abilities in general, we "shall not object to his being employed in any situation under your presidency, to which "he may be eligible from his rank in the service." And the Court having referred to the orders of the 22d February 1811, paragraph 24, which state, "upon those grounds, and in "consideration of the conduct of Mr. Rickards in the hemp transaction, we feel it impos- "sible to continue our confidence to him in the situation of a Member of our Council, and "are therefore under the necessity of removing him, as we hereby do, from that office."

I am directed to acquaint you, that upon a mature consideration of the whole of your case, they cannot depart from the resolution expressed in the said orders.

I am, Sir, &c.
(Signed) JAMES COBB,
Assistant Secretary.

East India House,
26th February, 1813.

Robert Rickards, Esq.

No. 2.

Copy of PARAGRAPHS, No. 2 to No. 27, both inclusive, of a LETTER from the Court of Directors of the *East India* Company, to the Government of *Bombay*, dated February 22, 1811;—relative to the COTTON TRADE.

EXTRACT PUBLIC LETTER TO BOMBAY, dated the 22d February 1811.

Paragraph 2.

No. 2. The Court of Directors to the Government of *Bombay*, 22 Feb. 1811:—on the Cotton Trade.

THE engagement entered into by a majority of your Council, with the house of Bruce, Fawcett & Co. for a cargo of hemp deliverable in London, and the mode of reasoning by which Mr. Rickards supported certain proposals of the private merchants relative to the cotton trade, appeared to us so highly objectionable, that we thought it incumbent upon us to take the earliest occasion to convey to you the impressions made upon our minds by these proceedings, and accordingly our sentiments on them were immediately communicated to you in our commercial letters of the 5th January and 10th October 1810 respectively.

3. It was our meaning then to follow up these communications with our further determination upon the subjects in question; and having since maturely deliberated upon them, we come now to give the final opinions and orders which they call for from us.

4. The extremely exceptionable and improvident nature of the hemp transaction was set forth in our letter of the 10th January 1810, above-mentioned. The answer given by Mr. Rickards in his minute of the 14th May 1810, to the strictures contained in that letter, appear to us quite unsatisfactory, and indeed according to his own account, his explanation, only "leads him to hope that the guarantee may yet appear to contain some advantages, "and not to be so complete a dereliction of the public interest, or neglect of the honour-"able Court's orders, as at first sight pronounced."

5. Our primary object in relation to the provision of hemp was, as our orders to our different Governments stated, both to make the territories of the Company available for the service of the nation in a most important article, and to that end to afford the agency of the Company gratuitously, so as to bring the Indian hemp into the stores of Government here, at no other expense than the prime cost and actual charges disbursed. This was an extensive scheme, requiring time and gradual meliorations of a culture, still in its infancy in India. Our instructions to you were conformable to this idea. You were to make purchases of hemp, and advances for the cultivation of it, on account of the Company in a series of years; and to use all proper means to extend the growth, and improve the quality of the article. In employing the term of "Salsette hemp," we meant to prefer what we understood to be the best hemp; but not to exclude the produce fit to be exported, of any part of our territories, nor consequently the hemp of the Concan, which Messrs. Bruce and Co. furnished; and for this sense of our orders, Mr. Rickards himself contends.

6. Assuredly the Company's agents must have been at least capable of procuring the hemp of Rajahpore from the first hands, as the agents of any private merchants; nor do we see the smallest reason to believe that our servants could not have provided it on as low terms, and at least in as large a quantity. All allegations to the contrary seem to us to be entirely groundless; and we can have no doubt that the best, indeed the only way to accomplish our design, was to employ the servants of the Company, whose agency must equally at least with that of any other description of persons, have encouraged cultivation; and the publicity of their proceedings (a publicity indeed which, Mr. Rickards says, followed the first operation commenced in a silent way of the agents of Messrs. Bruce and Co.) must have contributed to that encouragement. The orders of the Bengal Government to you, which Mr. Rickards pleads, had they differed from those of the Court of Directors, should not have superseded them; but they only enforced a compliance with our instructions to that Government, of which they transmitted you a copy, enjoining you "to adopt such "measures as should appear to you to be best calculated to promote the wishes of the "Honourable Court of His Majesty's Ministers." Certainly, this language afforded no countenance to a scheme which went directly to pervert the design both of the Government and the Company.

7. Mr. Rickards, in his minute above quoted, pleads for the allowance and the exercise of some discretion in our Governments abroad, "situated at such a distance from the con-

No. 2.
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"trouling authority in England, and in circumstances when they might conceive the "Court's wish or the public good to be thereby promoted." But a deviation from plain and positive orders, which always incurs responsibility, and requires a strong justification, can only be acquiesced in under one or more important circumstances, essentially different from those in the contemplation of the Court, when the orders were given. No such essential difference can here be alledged. Indeed we looked less to an immediate than to a gradual and progressive supply of hemp; and we looked to that supply only by the means we pointed out; and if such a latitude of construction and alteration as Mr. Rickards contends for were allowed, very many of our orders might be nullified, and the controul at home greatly weakened.

8. The very measure in question may be taken as an instance. Messrs. Letchmere and Rickards adapted it upon the alledged ground of our orders, and those of the Governor-General in Council; but it went as before intimated, in letter and spirit, entirely to contravene and defeat them. Instead of a great public undertaking, conducted solely upon patriotic disinterested principles, they substituted the private speculation of a mercantile house for one cargo of hemp, a speculation, the prominent feature of which most evidently is not the certainty of any accommodation or supply to Government, but the certainty of gain to that house; because as remarked in our former letter, the house stipulated for, and Messrs. Letchmere and Rickards granted a guarantee of £.65. per ton for the hemp in London, with an option to dispose of it otherwise than to the Company or Government, if they thought fit; so that they were secured not only from loss, but in a profit, if the market here should prove ever so unfavourable; and if the price of hemp should be high, and Government consequently in want of that commodity, they were then at liberty to dispose of their cargo to the best bidder, to disappoint Government, the supply of whom was the original object, and to disappoint also the design of the Company to be the agent and medium of that supply; a supply, that to a certain extent, would have been commenced and found by the Company themselves, but for the interposition of this scheme, which went to turn the provision into the channel of the private merchants, for we do not perceive any suggestion on the part of the majority of Council to enter upon a provision on account of the Company.

9. The issue of this business has been, that the cargo of hemp arrived here when the article was abundant, and the price low. The house of Messrs. Bruce and Co. therefore called on us in virtue of the guarantee, to take the hemp from them at £.65. per ton. We have been obliged to do so; Government have refused to receive it from us at that rate, as indeed, the hemp was not at all provided in the manner we had undertaken it should be; and the article being still low, the cargo yet remains upon our hands; Messrs. Bruce and Co. having alone received any benefit by it.

10. In proceeding to consider the line of conduct adopted by Mr. Rickards, in the particular question brought before you, respecting the Company's trade in cotton, we shall advert generally to the circumstances in which the Company stand in relation to that trade.

11. The district of Broach, part of the lands ceded to us in Guzerat, pays a portion of its revenue in cotton. This practice did not originate with the Company, but was transmitted to them from the Mahratta government, whom they succeeded in the possession of that district; and it is indeed, derived from a principle very ancient in Indian taxation, that of a division of the actual produce of the soil, between the sovereign and the cultivator.

12. The sovereign's share is in modern times commonly converted into a money rent, and such in fact is the case with respect to the cotton produce in question; the cultivator is charged for the whole of his assessment or rent in money, but pays a certain portion of it in cotton, at a money rate agreed on by both parties. The first question that arises here, is whether the interest of the cultivator be properly secured in such a practice; and we are glad to receive satisfactory information on this head from the judge and magistrate of Broach; for agreeing with the sentiment expressed to that officer by our Governor, in his letter of the 4th of July 1808, we would not have the object of commercial advantage pursued to the prejudice of the just claims of the cultivator of the soil. Mr. Prendergast, however, the judge and magistrate above alluded to, states, that whilst the farmers can get for copass or uncleaned cotton, at the rate of 30 rupees per bhar, it will be decidedly more profitable to them to cultivate it than the most valuable grain, but that they are sure both of 40 rupees per bhar from the Company, and a certain sale. And Lieut. Colonel Walker, the resident of Baroda, in an instructive paper recorded in your Proceedings on the Cotton Trade of Guzerat, after stating that when there is a moderate competition, the price is from 32 to 35 rupees per bhar; but that when purchasers are more numerous, it rises much higher, and observing further "that great care should be taken not to reduce the price of the article too "much, which would discourage the cultivation;" nevertheless, estimates the price which might be given by purchasers, at 35 rupees per bhar. This he does too in a plan for correcting many frauds and abuses in that trade, of which he has given an account, as they are practised by the various classes of natives employed in it, between the first grower and the last purchaser, for exportation, both of whom suffer by the misconduct of the intermediate men, whether acting as sellers or as agents for the exporting merchant. From this account, which has reference not so much to the limited district of Broach, which pays a part of its cotton produce in kind to the Company, as generally to the other cotton districts, including those

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still under the Mahratta government, it appears that "the moment the amount of the "jummabundy is determined, the securities whom the ryots give for their assessment, "proceed in communication with the ryots, but often at their own discretion, to settle the "price of the copass with the patells, and the patells and tultaties account with the "cultivators." The securities termed manotudars, are the monied men of the country, and the amuldar being commonly of their fraternity, they have the support of his authority. The manotudars, or securities, usually sell the cotton in the state of copass, the purchasers from them are the banians resident in the districts, who either sell it again on the spot, or deliver it to the banias to be cleaned.

13. It is with the cleaning of the cotton that frauds begin to multiply. Every stage thenceforward is marked by trick and dishonesty; the article is mixed with one of an inferior sort, or packed when only imperfectly cleaned; it is removed from the cleaning wheels without being teased, in order to separate any remaining leaves or seeds, put into darkened damp warehouses, which are cow-dunged to keep them moist; and the cotton, to preserve it humid, is almost daily sprinkled with water, the deceit being covered by putting dry cotton on the outside of that which has been wetted. The night before the purchaser means to begin weighing, the setter exposes his cotton to the heavy dews, spreading it on the ground to receive as much moisture as suits his purpose; the wind at the same time assisting his object, by blowing into the cotton a quantity of dust, sand, or other impurities, and all is deposited in warehouses again, moistened, some hours before the agents of the purchaser appear. Frauds still more gross are practised. The cotton is sometimes wetted with a mixture of salt and water, to increase doubly the weight; and even leaves, dirt, and stones are purposely mixed with it. The native agents employed in the district on the part of the exporting merchants of Bombay, to examine, weigh, and pack the cotton, are suspected of being parties in all these impositions; and from the detail of their conduct given by Major Walker, it seems difficult to believe that they are not both negligent and corrupt*.

* Major Walker's account of the Cotton Trade at Guzerat, recorded in Council.

14. The cotton dealers too, it appears from Major Walker's account, take advantage of a season of brisk demand, to put in practice all their arts to adulterate the article and enhance the price; and they sometimes also treat the purchaser with an insolence which reduces him to the dilemma of either taking a bad article on their terms, or running the hazard of losing the advance he had made. Hence, when the foreign market is unfavourable, and the demand for cotton but small, the dealers, afraid the article should remain on their hands, lower its price, and improve its quality. From the whole of this curious account, it is evident, that where the cultivators of cotton are under the power of monied men, the dealers in the districts, so utterly insensible to the true principles of trade, to a character, and to common honesty, and whilst the agents of the exporting merchants combine with those native dealers in their dishonest practices, real freedom of trade is not to be looked for. We, therefore, see no reason to doubt that the cultivators of cotton, who pay in kind to the Company, are better off than any other persons of the same class in Guzerat; and, in such a state of society, we think, that the community, instead of being injured by the Company's practice, of receiving a certain portion of uncleaned cotton at a fair or rather liberal rate, may be benefited by the example of equitable attention to the interest of the ryots, which is exhibited in the mode of conducting this business.

15. Besides the cotton thus acquired, the Company also purchase in the general market, through the medium of their European servants, a certain quantity of that article, chiefly with a view to aid their important commercial operations in China. This purchase is not carried on to the exclusion of any other buyers, nor to the disadvantage of the owners of cotton; for, on the contrary, the Company or their agents are accused, by the houses of Bruce, Fawcett, and Co. and Forbes and Co., of having, by their purchases, raised the market price of cotton to an immoderate degree; a charge, however, which Mr. Wren, the commercial resident at Surat, defends himself from, and retorts upon them. But certain it is, that the Company do not exercise power either to monopolize the market, or procure the article below its just value. It is now, and has been long, well understood, that it is not the interest of the Company to do so; and the proprietor of an estate, who has a lasting concern in its prosperity, may be expected to be less disposed to take advantage of the tenants than a stranger, unconnected with them. The houses above-mentioned, however, have ventured publicly to complain to you "of the ruinous consequences which the competition "of Government in the cotton market has unfortunately entailed on its own subjects;" their appeal, they say, "is founded on the principle, that the interference of a government in "any market is destructive of fair competition, and necessarily tramples under foot all the "collective interests of its subjects:" and the remedy they propose is, that the Company shall not otherwise engage in the cotton market, than for the purpose of receiving revenue in kind from the Broach pergunnahs, in which case these merchants offer to supply the Company with 4,000 bales of cotton for China, under a requisition, however, that the engagement may be kept secret.

16. A more extraordinary proposal, we are persuaded, does not stand upon our records. The Company is the oldest European trader now in India; it has opened the ports of the East to other British subjects, who, fostered solely under its protection, have come at length to share in all its extended commerce, Indian and European; and particularly to enjoy advantages in the inland trade of India, to which they could not have had access in the time of the native sovereigns. But these two houses, now in effect, claim for the private

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merchants the whole of the trade, Indian and European; because the principle on which they ground their appeal, however they may have meant to apply it, goes fully to that extent. In the name of those who could not have had a residence in India without the permission of the Company, and who have risen to commercial consequence under the auspices of their government, we are plainly told that they are not contented with being partakers in the commercial privileges of the Company, the whole should be left to them.

17. Although no proof is attempted of the assumed principle which involves this proposition, or of the justness of its application, some notice will nevertheless be hereafter taken of it; but it may suffice to observe now, that the proposition contends for fair competition and an equitable regard to the interests of all the subjects of a state; consequently, we persevere for the principle of freedom of trade. The Company are represented as violating all these; a scheme is proposed for the prevention of such violations, and what are the means it adopts?—*A secret combination between buyers to narrow the competition.* The two houses who brought forward the scheme must before have agreed to act together as one buyer; because as such they offer to act for the Company also; thus they would reduce three principal purchasers into one; and that one is to enter the market with all the advantage of knowing how much the competition will be narrowed, and with what certainty he can make his own large provision, whilst he offers only diminished prices.

18. Thus, you were required on the principle of fair competition, and of shewing an equitable regard to the interests of all the subjects of a State, to form a species of monopoly and combination in favour of two purchasers against the sellers universally; such is the practical result, in this case, of a high sounding criminating appeal to public principles; it is a project of self-interest, directly at variance with those principles. Too much accustomed as we have been to such perversion and abuse, in discussions relative to the commerce of the Company, we should not have dwelt so long upon this instance, (though certainly the extreme indecorum of such an attack from persons living and flourishing under the protection of our Government, might naturally have led to particular observation,) if a member of our Government had not sanctioned it in so remarkable a way.

19. Mr. Rickards not only appears to adopt the reasoning and scope of the letter from the two houses, but endeavours to support their proposal with additional arguments. The first argument, which is directed to the propriety of reducing the selling price of cotton in the districts, is founded very much upon the principle, that if the return of cotton to the grower were equal to the return of grain, it might be sufficient. We apprehend this principle of equalizing the profit on all other articles of culture to the profit on grain, to be unwarranted and unsound; and we can have no doubt that any Government which should attempt practically to establish it, would widely depart from the line of its duty. Besides, Mr. Rickards ought to have known, that the enhanced price at which the exporting merchant stores his cotton, is not to be ascribed to the rate paid to the cultivator, but to the passing of the article through different hands, each of which obtains a gain that swells the ultimate cost. To the intermediate dealers between the grower and the exporter, and to the competition for the purchase of the article, the rise of price to the final purchaser is chiefly to be ascribed. The price thus produced by the number and concurrence of buyers, Mr. Rickards, by a singular misuse of language, calls "a monopoly price;" whereas, wherever a real monopoly is exercised to exclude other buyers than the monopolist, it procures the commodity cheap; and when used to exclude other venders, it sells the commodity dear. On the contrary, nothing is better known, than that competition in buying has the effect of raising the price, and in selling of lowering it; in both ways the effect may be excessive; but it is only the nature of competition which is now in question. To counteract "a "monopoly price," which Mr. Rickards has so indefensibly assumed, he recommends a measure in its nature partaking, as has been already shewn, of real monopoly; a measure which he seems to think the more allowable, because few of the cotton sellers are our own subjects; and though it might have been natural for a servant of the Company, who thought the principle of reducing the competition just, to propose that some of the private merchants should withdraw, in order to be served by the Company, rather than that the Company should withdraw, to become dependent on them; yet Mr. Rickards points solely to the latter; because, according to him, the Company's purchases is one of the causes of the "*monopoly price*;" it being manifest, he says, that "their agents go into "the market backed with all the influence and authority of office, and the knowledge of a "competitor in the market, who must at all events be served, is only calculated to make "sellers hold back, until their demands, perhaps exorbitant, be fulfilled."

20. Now, if the charge had been, that the Company's agents had by power and influence obliged the owners to sell cotton to them, whether they were willing or not, that they got the commodity at a less price than the usual rate of the market, or than the owners were content to sell it at; or had not permitted other purchasers to come into the market, or had forcibly taken from them any article they had bought there, would at least have appeared a consistency between the alledged cause and the alledged effect; but what is the thing complained of? it is excessive price, and that price produced by the Company; but is *force* or *influence* necessary to induce a seller to take the highest or even the fair price of the market for his commodity? The effect of force and influence, properly so called, must be to depress produce and competition and high prices; but here another complaint is, that competition is too great, which is the sure consequence of great demand and a free market. In such a demand, and such a market, the best price and largest capital give the only power and influence,

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influence, excepting the confidence which we believe the Company have established from general honour in their commercial dealings. Under such circumstances, what is the meaning of *the knowledge of a competitor in the market, who must at all events be served.* From the connection in which this passage stands, and its general aspect, it might seem that it alluded to *force*; but from the scope of the complaint, it can only import, that the known ability and determination of the Company to buy, must have the effect of raising the price. But so in its degree must the price fall of every other competitor in such a market. Mr. Rickards himself admits, "that there is no other real, ostensible, or even assigned cause for the "high price, than the too urgent competition of the buyers." Any merchant however among those competitors would revolt at an attempt to restrict him in the use he should make of his capital; and may not the Company expect the same privilege as other merchants in a discretionary use of theirs? Yet this is opposed sometimes in the way of direct argument, and as it is here, by representing the influence of capital and character as the influence and authority of office.

21. Objections, early derived from the very peculiar constitution of the Company, which has connected territorial dominion with commerce, have continued to be represented in a state of things extremely different from that under which they were first advanced, and the principles of political economy have been alledged in their support. The just application of general principles, even where they are well understood, is known to be a matter of difficulty. That science, which is itself very much built on fact and experience, may be supposed yet capable of improvement by further knowledge; and the constitution and system of the Company, instead of being judged by principles adopted before any sufficient experience was acquired of the effects of such a constitution and system, may afford new and useful data for enlarging the boundaries of the science.

22. In the course of the last twenty-five years, a legislative code in many essential respects new, has been formed by the Company, for their territories in India. Let that body of regulations be consulted, both as to the matter and tenor of them, and as to their practical effects, in order to determine whether they have been formed under the influence of a commercial spirit, or dictated by enlarged and true principles of policy and government; having for their grand object the welfare of the whole community, and every class of it. Certain commercial factories and prescriptive commercial rights, were long enjoyed by the Company, under the native sovereigns in India. These have been indeed retained, but under such modifications and regulations as not to interfere with the general trade of the country, or the interest of those whom the Company employ; and further than to secure the right to advances and performance of engagements to which every private trader is entitled, no authority is allowed. Force and compulsion, as far as we understand and intend, are not used either to carry on the commerce of the Company, or obstruct that of other persons. And, as already intimated, in such a state of society as the great continent of India presents, where, from old inveterate habits, there is a disposition in every native, whether a trader or of any other class, to oppress those inferior to him with whom he has to act; the general example of fair dealing and punctuality to engagements, which the commercial branch of of the Company's affairs has exhibited, may be beneficial to the people, and rather lead them to improved notions of commerce, which among such a people, and where the subordinate details of administration must be trusted to natives, can never be well learned, while the moral habits are so corrupt. In fact, as the great objection against the Company, founded in the idea of their uniting the contracted selfish spirit of traffic with the character of a sovereign, and using the latter to serve the views of the former, proceeds in the first place upon a supposition that no liberal just views in matters of government, are consistent with commercial pursuits, a supposition which the experience of this country sufficiently contradicts, so the large system of commerce which the Company have conducted in India since their acquisition of territory, may serve to shew that it is possible for Government to manage a commercial department, without abandoning either the principles of government, or those of commerce.

23. That at present our Government employs no force to carry on the commercial pursuits of the Company, or to hinder any individual from buying and selling, and that no unfair influence is exercised in their commercial affairs, we take to be perfectly established, because otherwise, we cannot doubt that particular instances would have been pointed out. Theorists hostile to the Company, object to the union of the commercial character with that of sovereign, from the nature of the thing assuming that it must produce ill effects; practical men like the two mercantile houses in question, availing themselves of this prejudice, advance the same objection as if the actual bad consequences of this union were known and indisputable; but those houses give no particular fact, and we cannot help expressing our surprize, that you should have passed over such assertions as they have advanced, which indeed extremely implicate your own conduct, without calling for explanations and animadverting on the most unbecoming terms in which they are delivered. But if we have reason to complain of the unfairness with which the combination of government and commerce in the system of the Company is used by those whose prejudices or interests are in opposition to the Company, what shall we say of a servant of our own, a member of our Government placed by us in a confidential and honourable situation, who lends his influence to confirm the prejudices just mentioned. If indeed, the union of the commercial with the political character had been productive of inconveniences, was it the province of Mr. Rickards to join the accusers of our system in holding it up to censure. Was there no other mode in which, if he entertained the sentiments he has expressed, he might

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might have communicated them to us? Far from wishing to repress free communication, we are desirous to encourage it on all occasions, when becomingly made; but the occasion which Mr. Rickards has used to bring before us his opinion upon a very important subject, is certainly not happily nor respectfully chosen; and we think, that before he entered upon the subject, introduced as it then was, he should have been careful to have proceeded upon solid grounds; but he quotes no fact to shew that what he calls "the heterogeneous union "of the commercial and tutelary character," has produced inconveniences and injuries; nor does he seem to know of any; he only "*apprehends* that they cannot fail to ensue;" and on this presumption, coinciding with the evidently hostile accusation of the mercantile houses in question, he arraigns to the world the constitution of the Company, and gives to the opponents of the Company all the weight that can be derived from the opinion and authority of a member of our Government, who thus does us an injury which an open enemy could not inflict, not only unnecessarily, but as we conceive, against the real truth and facts of the case; and all this in support of a speculation which has for its immediate object the private benefit of particular parties; and which militate against the true principles of political economy and of commerce; and as it is also in our opinion contrary to that judgment and that sense of duty and propriety, which ought to have guided the conduct of Mr. Rickards on such an occasion.

24. Upon these grounds, and in consideration of the conduct of Mr. Rickards in the hemp transaction, we feel it impossible to continue our confidence to him in the situation of a Member of our Council; and are therefore under the necessity of removing him, as we hereby do from that office. Upon the same considerations, we remove from our Council Mr. Lechmere, who has concurred with Mr. Rickards in the measures and reasonings in question; but as we understand that his arrival in England may be shortly expected, we do not think it necessary to enlarge further upon his conduct.

25. It being necessary therefore, in consequence of these removals, that we should proceed to a new arrangement for the Bombay Council, we have resolved that the Council shall consist of the following persons; viz. Jon^{n} Duncan, Esq. President and Governor; Lieutenant General the Honourable Jno Abercromby, Commander in Chief, and Second in Council; George Brown, Esq. Third in Council; Jno Elphinstone, Esq. Fourth in Council; and a Commission of Government, under the Company's Seal, embracing that arrangement, will accordingly be forwarded to you by the extra ship Northampton, now under dispatch.

26. We are aware that Mr. Nathan Crow succeeded to a seat in Council on the 3d November 1809, in consequence of our appointment, from whence he retired on the arrival of General Abercromby, the 25th of the same month. By the orders contained in the 114th paragraph of our Letter of the 27th June 1810, a person, under such circumstances, is not considered as entitled to succeed to Council upon any future vacancy, without a fresh appointment by the Court of Directors. We continue to have the same opinion of the merits of Mr. Crow, which at first induced us to appoint him a provisional Counsellor; but being informed that the state of this Gentleman's health is such as to render him inadequate to the active duties of that important station, we have not included him in the present Commission.

27. With respect to Mr. Rickards, although he has incurred our displeasure in the instances above mentioned, yet, as we entertain a favourable opinion of his abilities in genera', we shall not object to his being employed in any situation under your Presidency, to which he may be eligible from his rank in the service.

No. 3.

Copy of PARAGRAPHS, No. 2 to 8, of a LETTER, in the Revenue Department, from the Governor in Council of *Bombay*, to the Court of Directors, dated 14 October 1808, with Copies of the Papers referred to therein;—and Copy of the Reply of the Court of Directors, under date the 10th of January 1810, to the said Communication.

PROCEEDINGS of the Governor in Council of *Bombay*, on Mr. *Rickards*'s Observations on the Revenue System of *India*; and on his Minutes relative to a General Reduction of Expences in the Establishments under the Presidency of *Bombay*.

EXTRACT of REVENUE LETTER from BOMBAY; dated 14th October 1808.

Paragraph 2.

IN availing ourselves of the eligible opportunity that presents itself, of forwarding our records in this department, by the honourable Company's ship Wexford, we have only to submit to the consideration of your honourable Court, in pursuance of the promise made in the 3d paragraph of that dispatch, the minute recorded by our colleague Thomas Lechmere, Esq. on the subject of the documents delivered in by Robert Rickards, Esq. and our President, in respect to the prevailing Revenue Systems of India.

3. Your honourable Court will observe, that on recording Mr. Lechmere's minute, we determined, pursuant to the sentiments of the majority of the Board, to avoid making any innovation, without a previous reference to your honourable Court on the system and principles of settlement, for the island of Salsette; which having been originally sanctioned by the Supreme Government, has since been approved and confirmed by your honourable Court; this Resolution not, however, extending to such part of that island, as is not under cultivation, and as such occupied by parties to whom a proprietary title has been announced, our preceding determination was accordingly qualified under the motives adverted to in our President's remarks of the 8th of July, by a latitude to Mr. Rickards, to make trial of his financial system, on those parts of Salsette that were thus open to the experiment; in respect to which, we expressed our readiness to concur in such measures, as Mr. Rickards might, in consistence with the preceding general exception, suggest for that purpose.

4. And inasmuch as the inhabitants of Caranja appeared to have requested Mr. Rickards system of finance to be introduced among them, we intimated to that gentleman, that we were very desirous that he should immediately proceed with the experiment in that island, such as might also tend to facilitate the attainment of Mr. Rickards objects in deeming thereon practicable a further reduction in the charges of collection.

5. Mr. Rickards was at the same time invited to bring forward, for our consideration, those reductions of expense on the islands of Bombay and Salsette, and generally throughout the honourable Company's possessions under this presidency, which had occurred to him to be available, and which the present exigencies render most expedient to realize to the utmost limits of prudence, sound policy, and justice; at the same time, that the Governor has in his remarks of the 7th July, stated his belief that the aggregate charges of revenue establishments under this presidency (however from local circumstances, varying in different collectorships) are already to the full as moderate, or rather more so, than under either of your other presidencies in India.

6. Mr. Rickards having delivered in a further minute, explaining at length the motives which impel him to decline all management in the proposed reduction of the native establishment on Salsette, and the settling of wealthy capitalists on the waste lands of the island, in consideration chiefly to the latitude tendered to him, admitting but of a partial

operation to his plan; we beg leave reſpectfully to refer your honourable Court to that Gentleman's conſequent minute, and to a further one delivered in by our Preſident on the occaſion, in whoſe opinion Mr. Lechmere entirely concurs.

7th. We take this occaſion to inform your honourable Court, that we have under conſideration, ſeveral applications from wealthy inhabitants of Bombay, to become landed proprietors on Salſette, on the ſame principles and conditions as had been conceded before Mr. Rickards' arrival to Ardaſſeer Dady; but as the ſeveral applications have not yet been matured and finally arranged, we refrain from entering into particulars by the preſent diſpatch, the more eſpecially as the general ſubject will ſoon be brought again under your conſideration, in a fuller point of view; and meanwhile, we beg leave to refer to the minutes; the preſent ſlight notice of the contents of which, are to be viewed as merely indicatory of the outline of the courſe in which this important ſubject has been hitherto conducted.

8. Duplicates of Mr. Rickards, and of the Governor's firſt minutes on the ſubject, (the originals of which were ſent on the 9th of July laſt, by His Majeſty's ſhip St. Fiorenzo), accompanying this.

EXTRACT BOMBAY REVENUE CONSULTATIONS, 9th July 1808.

THE Governor delivers in for record, the following Letter, and Papers accompanying, which, having been addreſſed to Government by Mr. Rickards, previouſly to that Gentleman's taking his ſeat in Council, have ſince remained with the Reſident, under the circumſtances hereafter noticed.

No. 3. Mr. Rickards (24 Sept. 1807) on Taxation and Revenue.

Honourable Sir,

I take the liberty of laying before you a few remarks on the ſubject of Taxation in general, and of the prevailing Revenue Syſtems of India; which I reſpectfully hope may appear to you, as well as to the Honourable Court of Directors, to merit conſideration, in view to the future proſperity of this country.

If I conceive that proſperity to be incapable of any conſiderable permanent increaſe, under the ſyſtem of land taxation now in force, I have, in advancing that opinion, cautiouſly endeavoured to avoid, as I ſhould be much concerned in, giving the ſlighteſt offence.

With ſome experience in the revenue adminiſtration of India, and actuated by no motive but that of the public good, I hope to be exempt from the charge of arrogance or inconſiderate preſumption: an humble opinion can, at all events, do no harm; and calm diſcuſſion and ſober inveſtigation are, in all ſpeculative queſtions, the only ſure road to the attainment or confirmation of truth.

In the Eſſay now ſubmitted, I have applied the principles with which I am impreſſed in the form of an arrangement for Salſette, where, if approved, a trial may be made without riſk of the leaſt particle of loſs to the honourable Company; and where proofs will ſoon be given, from the peculiar ſituation of the iſland, of the merit or demerit of the theory adduced. Failure in Salſette muſt determine its inapplicability to other parts of India; while ſucceſs may perhaps ſanction the more general adoption of the ſame principles; and though the ſame degree of ſucceſs cannot be expected to follow the general introduction of ſuch a ſyſtem every where, ſince the progreſs of improvement in all great countries muſt be gradual, and ſlow; yet unequivocal proofs of their efficacy in one favoured ſpot, are reaſonable grounds for anticipating ſimilar conſequences in others, as the courſe of induſtry and wealth ſhall gradually, yet ſimilarly, be extended to them: if, in ſhort, the principles are proved to be good, they may be conſidered as the ground-work of great and extenſive proſperity, which, it is humbly apprehended, is not a conſtituent feature of our preſent revenue ſyſtems.

Should any thing urged in these ſheets induce you, Sir, to make the propoſed experiment in Salſette, permit me to beg your particular attention to that part of the plan, which ſuggeſts the immediate conſtruction of reſervoirs, and points out the practicable ſaving in the native eſtabliſhments.

The advantages of the former are too manifeſt to need further comment, whilſt of the latter it may be obſerved, that under a plan of revenue ſo ſimple as the one I have recommended, it is by no means improbable but the eſtabliſhments may admit of ſtill further reduction; but if only the ſame principle of collection be extended to the other collectorſhips under this Government, there may be anticipated an annual ſaving of conſiderable amount, (as exhibited in Voucher, No. 9,) ſince, from actual experience of the ſufficiency of ſuch an eſtabliſhment for realizing revenue, even on the old ſyſtem, with perfect ſecurity, I cannot for a moment doubt, but that, with the good will of the collectors, it might be every where, and advantageouſly, acted upon.

In the preceding arrangements I had intended to include the iſland of Bombay; but finding the whole ſyſtem, which has been long in force here, ſo complicated; the nature of landed tenures ſo uncertain, yet ſo important to be accurately known; and much other matter requiring deep and probably long reſearch, ſatisfactorily to elucidate, I thought it

better

better to compreſs all that related to this particular iſland into another ſeparate treatiſe; and I ſhall accordingly continue my inquiries in this view, if it meet the approbation of Government.

As Bombay, Salſette, and Caranjah, with the ſubordinate ſmaller iſlands, only conſtitute one collectorſhip, and that by no means an extenſive one, there is certainly no reaſon why one cutcherry under the collector ſhould not be ſufficient for the duties thereof.

In the preſent plan, I have therefore declined framing the neceſſary eſtabliſhment for this cutcherry, until the Bombay arrangements ſhould be completed; but I ſtill truſt there are ſufficient data given to judge, with accuracy, of the annual ſaving in that part of the collectorſhip treated of, and which, in Salſette and Caranjah, will be about 20,000 rupees per annum, or more than two-thirds of the preſent amount.

It will not eſcape the obſervation of the honourable Board, that the accompanying petitions from Salſette and Caranjah, contain many repreſentations beyond thoſe adverted to in the eſſay, and which may require local adjuſtment previous to the adoption of any arrangement, whatever it be, for the permanent adminiſtration of these iſlands.

Among other requeſts, the inhabitants of Caranjah have particularly ſolicited the introduction of the ſyſtem here recommended. It was explained to, and fully underſtood by them; but it has not been communicated to thoſe of Salſette; though, from the frequent and detailed diſcuſſions I have had with men of influence and property connected with Salſette, I have reaſon to be aſſured it would prove equally acceptable to the inhabitants of that iſland.

I muſt finally apologize for any errors that may be diſcovered in the accompanying treatiſe. It has been only begun ſince my late arrival in India, and neceſſarily finiſhed in more haſte than is perhaps conſiſtent with the importance of ſo grave a ſubject. Still, if the principles are good, trifling omiſſions or overſights may be pardoned, and however fond the ſuppoſed partialities of a man for his own productions, I ſhall be amply ſatisfied, if this only leads, in abler hands, to the aſcertainment of truth.

I have the honour to be, &c.

(Signed) R. RICKARDS.

Bombay,
24th Sept. 1807.

ESSAY ON TAXATION:

Containing Principles attempted to be deduced from the Laws of Nature, and applied to the Revenue Syſtem of India, with Propoſals for an experimental Amendment on the Iſlands of Salſette and Caranja; and a Plan of Collection, on ſimple principles, by which the Revenue Charges (excluſive of European Allowances) on thoſe Iſlands, are capable of reduction in at leaſt two-thirds of their preſent amount.

1. IN the different branches of ſcience and art, theories, or firſt principles, ſeem to be univerſally uſeful; they are often, indeed, derided and placed in diſadvantageous compariſon with the ſuperior utility of practice; and bad theories deſerve it; but it muſt be recollected, that all practice has its appropriate theory; the pupil, or apprentice, equally imbibe the firſt principles of their profeſſion or art, as they advance in habits of experimental ſkill; and in all obſervations wherein the mind is concerned, that execution is moſt perfect where good theory and good practice are combined.

2. A celebrated modern author has obſerved, that there is no ſcience in which firſt principles are more neceſſary than in that of political economy. There is, perhaps, none where eſtabliſhed maxims are in execution, ſo often neglected. In civil government, the road to permanent proſperity is, like the aſcent to the temple of virtue, ſtrewed with many difficulties, and many temptations to ſtray: the mind is dazzled with a view of advantages, which a ſlight deviation from the preſcribed track ſeems capable of attaining; they are greedily graſped at by the hand of miſguided political zeal, on the plauſible pretence of public good; and in the diſappointment, or accumulated difficulties which enſue, we might uſefully learn, were not prejudice predominant, that durable proſperity is only to be found in the ways of eternal juſtice; that perſeverance therein is indiſpenſable at whatever temporary ſacrifice or forbearance it may require; and that deviations, under the fallacious hope of collateral benefits, are often ruinous, or at beſt yield but partial good, at the heavy loſs of a diſproportionate degree of laſting evil.

3. The envious deſire of excluſive advantage, coveted at the expenſe of ſtrict juſtice, perhaps of a neighbour's right, would ſeem to be the foundation of that ſyſtem of rivalry and intrigue, in which courts and miniſters ſo vainly aſpire to excel: diplomatic ſkill degenerates into artifice and cunning, and cuſtom throws the veil of ſufferance over the moſt unrighteous acts; when theſe fail, violence is recurred to, and then follows the greateſt of all political evils— the ſcourge of horrid war.

4. How often too is the pretended honour of a nation, like that of a duelliſt, made to conſiſt in blood and ruin; revenge is the moving cauſe; eſtabliſhed principles are diſregarded; and honour and benefit perverſely ſought in the *indulgence*, rather than in the *controul*, of the moſt odious paſſions.

5. To a ſimilar deviation from the broad path of juſtice and forbearance, to the indulgence, in fact, of paſſion, at the expenſe of reaſon, may alſo be aſcribed moſt of the internal

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diſorders of all political inſtitutions. The avarice, the vanity, and ſometimes the ſeverity of power, eſtabliſh, between a ſtate and its ſubjects, two diſtinct intereſts, which, in view to national proſperity, ought ever to be inſeparably united.

6. It is thus that power may be ſaid to involve itſelf both in foreign broils and domestic difficulties, tempted by the flattering ſuggeſtions of human craft to forſake the unerring maxims of infinite wiſdom.

7. There are ſundry points in the ſcience of political economy, concerning which the learned are ſtill at variance, and on which, therefore, it would be preſumptuous in an humble individual to intrude an unlearned opinion; but there are others ſo obviouſly right, that we cannot be wrong in their aſſumption; the only difficulty lies in their due adaptation to the ſtate of things in this country.

8. Nature is the ground-work of all ſcience; and it is from the laws of nature alone, or the revealed will of God, that we can hope to derive principles of infallible excellence. If, therefore, we can diſcover thoſe laws, by which nature regulates her ſocieties on earth, no man will ſurely preſume to deny the policy, or even the neceſſity of their adoption, or to think the expedients or ingenuity of his own fallible reaſon a better guide; and the conſtitution of the human mind, its natural powers, and its paſſions, bear ſo ſtrong a ſimilitude in all countries, that the ſame immutable laws of nature may be found equally efficacious, and equally prevalent among all the various races of civilized life.

9. It is generally admitted, that one of the moſt univerſal laws on which the fabric of human ſociety is formed, is that of ſelf-love. It pervades the whole race of man, and even the virtues and energies of the mind are attributed to this ſource. We do good becauſe it is a gratification to ourſelves, or becauſe we expect benefits in return; we labour to ſupply the wants, or promote the conveniences and luxuries of others, becauſe we are ourſelves benefited by the exertion, in fortune, or in fame, ſelf-love, or ſelf-intereſt, in here the fundamental ſource of good to every branch of the ſociety, and ſelf-intereſt is only a modification of the ſame. Orig.

10. To give greater force and efficacy to this radical principle of human ſociety, nature, all-wiſe and all-conſiſtent, has implanted in man a correſponding motive to action, in which the human is found eſſentially to differ from the reſt of animal creation. Every animal in nature beſides, has no wants but what its own power can ſupply. Man alone (excepting perhaps the loweſt ſavage) is a purely dependent being; he is unable to ſupply the hundredth, nay, the thouſandth part of his own wants; and whilſt labouring, within a limited ſphere, to furniſh thoſe of others, thouſands and ten thouſands are ſimilarly employed to contribute to his own. Civilized man thus owes the enjoyments and comforts of life to the aſſiſtance of his fellows: it is a common cauſe, in which the wants of all call forth the exertions of all; and each finds his own advantage in conducing to the general demand.

11. Self-intereſt is therefore the law of nature, which prompts to this univerſal labour, for the benefit and uſe of others; and the natural dependence of man, or in other words, thoſe numerous wants which others only can ſupply, give activity to the paſſion, and call it into full exertion. The extent of theſe wants is therefore the meaſure of public proſperity in every ſociety; for it is the profitable ſupply thereof, that occaſions the proſperity of individuals, and what is public proſperity but that of every individual combined.

12. Self-love or ſelf-intereſt, is now diſplayed in the garb of univerſal induſtry; profit, or as before obſerved, the profitable ſupply of men's wants, is its only natural ſtimulus, and the general good of the whole community is the natural reſult. To reſtrain theſe wants, or to ſhare too deeply in the profits of induſtry, are conſequently impolitic acts of power, from being evident counteractions of thoſe very laws, by which alone ſociety can be expected to proſper: and we accordingly find thoſe ſtates to be moſt remarkable for internal wealth and ſtrength, for the general ſpread of the comforts of life among all claſſes of the community, where the laws on which induſtry and profit are founded, are allowed to operate with the greateſt efficacy and freedom.

13. Look, on the other hand, to the ſtate of our Indian poſſeſſions; and with the exception of our chief commercial towns, and ſome few other favoured ſpots, we are preſented with a view of what, comparatively ſpeaking, may be called univerſal poverty, in one of the fineſt countries of the world; and the cauſe does not appear to me to be hid in impenetrable obſcurity. Agriculture being, more eſpecially in extenſive and fertile continents, the moſt natural employment of man, is here productive of at moſt but little profit: the actual annual produce of the ſoil is taxed, on the principle of Government being entitled to one-half of that produce; or in caſes where the lands are made over in proprietary right to individuals, to *upwards of* eight-tenths of the net rent of ſuch ſtates. The rate of this tax is enormous, compared with that of any known flouriſhing country; and it is aggravated in very many inſtances by the exactions of native ſervants: *it is laid on the immediate employments, and ſhares in the immediate profits of induſtry*, and alſo falls directly on the moſt important of the neceſſaries of life, all and each of which, are ſerious political evils.

14. But were the ſuperfluous produce of agriculture, or the major part thereof, left in the hands of thoſe who raiſed it, it is eaſy to conceive how it would ſet in motion mechanical induſtry, for the ſupply of wants which every poſſeſſor of this ſuperfluity would then naturally feel, and by diſtribution among the various workmen in trades and profeſſions, contribute to

encreaſe

encreaſe the comforts and the wealth of every part of the ſociety; for, when the poſſeſſors and cultivators of land realize wealth, to be expended in the gratification of wants and wiſhes, mechanics, &c. by the ſupply of thoſe wants, increaſe in wealth and numbers alſo, ſo as to require (in addition to the wealthy, idle conſumer of every ſociety) more and more of the produce of their own, as well as of agricultural labour; the increaſing funds on both ſides occaſion a mutually increaſing demand.

15. But where the major part of this ſuperfluous produce (or, which is the ſame thing, the proceeds thereof) is abſorbed in a government tax, and then expended in purpoſes foreign to the ſupport and encouragement of induſtry, it is equally clear that the wants of ſociety can neither increaſe, nor the funds from which they originate.

16. Let us conceive, for example, the effect of a heavy land-tax, raiſed to ſupport a large ſtanding army in a country of no commerce, ſuch a tax as the one under diſcuſſion, viz. half the groſs produce of lands, or 8-10ths of the rent of eſtates, can only be ſuppoſed at beſt to leave a bare maintenance to the payers; their means of ſupporting labour and mechanical induſtry muſt therefore be very limited. Conceive next, the diſtribution of this tax among the component members of the army, who are all idle conſumers, or perſons not engaged in lucrative employments: here alſo it only affords a bare maintenance. In this progreſs of the limited circulating wealth of a country, there are no viſible grounds of augmentation or improvement of any thing, there is no increaſing fund for the ſupport of induſtry; no more food required in one year than the preceding, no greater ſupplies of the neceſſaries and comforts of life; all is ſtationary, becauſe all are equally poor; a people having attained the limit of its food, may thus exiſt from year to year, but can never advance in durable proſperity.

17. Now, if a capital does by its employment, ſay, for example, in one year, produce a greater fund for the re-employment in the next year, of a greater quantity of labour to that originally employed, the induſtry of a country is manifeſtly advancing: if it re-produces an equal fund, induſtry is ſtationary; but if it re-produces a leſſer fund, i. e. a fund only equal to the employment of a leſſer number of labourers, artificers, &c. than before, the induſtry and proſperity of a country are manifeſtly declining.

18. In India however, the circulating agricultural capital can only be ſaid, in the preſent ſtate of the country and under the ſyſtem of taxation above ſpecified, to re-produce at beſt in each ſucceeding year, but an *equal* fund, whence it may reaſonably be concluded that our induſtry is *ſtationary*, and our population and our poverty alſo: and the immoderate wants of Government, under ſuch circumſtances, may be feared to be more likely to caſt the body politic into incurable decline, than their paternal care to advance it to a ſtate of growing vigour.

19. On this part of the ſubject it would be unneceſſary to enlarge, did not the ſyſtems and local practice of India leave reaſon to ſuppoſe, that in fixing the amount of a tax contributable by any people, it was deemed immaterial from what ſource it were levied, or on what funds it were aſſeſſed, whether on conſumption, profits, lands, &c. &c. ſince, in all or either caſe, the people were only required to pay a fixed revenue, and no more.

20. In oppoſition to this opinion, the illuſtrious Dr. Smith would teach, that all taxes ſhould, in the firſt inſtance, be equal; that is, contributed in proportion to men's abilities, and ought therefore equally to affect *rent, profit*, and *wages*, the only ſource of revenue to individuals. If they fall on *one* only of three ſorts of revenue, they are unequal, and therefore oppreſſive.

21. Secondly; They ought to be certain, not arbitrary; that is, clearly and plainly defined, ſo that the payer of the tax may know exactly what he has to contribute. The uncertainty of taxation encourages the inſolence and *favours the corruption of tax-gatherers* (and no country has experienced this effect more ſenſibly than India), whence Dr. Smith conceives, that even a conſiderable degree of inequality is not ſo great an evil as uncertainty.

22. Thirdly; Taxes ſhould be ſo contrived as to take as little as poſſible out of the pockets of the people, over and above what is paid into the public treaſury. A great number of officers, whoſe ſalaries may eat up a great part of the tax, and whoſe perquiſites may impoſe another additional tax on the people, are bad.

23. No man acquainted with an Indian ſyſtem, and the number of native ſervants which ſo complicated a ſyſtem requires, will need any comment to feel the full force of this maxim, as applicable to our Eaſtern poſſeſſions.

24. Fourthly; Taxes, and particularly high ones on the neceſſaries of life, are objectionable; and all taxes generally, "*which obſtruct the induſtry of the people, and diſcourage them* "*from applying to certain branches of buſineſs*, which might give maintenance and *employ*-"*ment to great multitudes.*"

25. Can any *obſtruction* or *diſcouragement* be more effectual, than a tax which abſorbs a lion's ſhare of the profits of induſtry, as ſoon as ever individual labour ſhall have acquired them?

26. Fifthly; Taxes on conſumable goods, particularly luxuries, are probably the leaſt oppreſſive, becauſe they are naturally, and without the interference of inquiſitors and aſſeſſors, proportioned to the means of a conſumer, paid in a manner moſt convenient to him, by little and little, as he buys goods; and he is left to buy, or not to buy, as he pleaſes.

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27. The tax, moreover, which is paid on the price of a commodity, is ſeldom adverted to, and it conſtitutes no part of a man's view of his profits: he labours with the cheering proſpect before him of *indefinite* advantage, therefore with every poſſible incitement to the exertion of human induſtry, and with the further privilege of exerciſing his own free-will in the purchaſe, or otherwiſe, of the taxed commodity, according as he may find himſelf poſſeſſed of the means of gratifying his wants.

28. In applying theſe maxims, and ſubjoined remarks, to the rate of land-taxation in India, it will not be requiſite to ſay much on that which takes, under the permanent ſettlement, *upwards of eight-tenths of the annual net rent of eſtates as the ſhare of Government.* The tax, I imagine, ſpeaks for itſelf, and is ſurely an evident violation of the preceding principles; from its inequality, its amount, and the particular effects of "deſtruction" and "diſcouragement," it is likely to perpetuate. The plea of waſte lands being attached to each eſtate, which the proprietor may cultivate free of further tax, is, I humbly apprehend, illuſory; for waſte lands require capital to bring into a ſtate of cultivation, whoſe produce, moreover, is, until tried, always doubtful; and to cultivate on borrowed capital, therefore, precarious. Whence then is this capital to originate? not ſurely from the *generality* of landlords, who already pay upwards of eight-tenths of their profit from the cultivated part of their eſtates. A few rich individuals may extend their cultivation; or a portion of commercial capital, in the vicinity of towns, may be partially applied to this purpoſe; but it is very difficult to diſcover in this ſyſtem, the ſeeds of any *great degree* of improvement, or how agriculture is to become a productive ſource of *general* wealth.

29. Want of effectual demand for the ſuperfluous produce of ſuch waſte lands is another and inſuperable bar to their cultivation: when the other branches of a community are too poor, or too limited to conſume this ſuperfluous produce, agriculturiſts would only raiſe it to their own loſs; and this loſs would be inevitable, if foreign demand were at the ſame time fully ſupplied.

30. The land-tax in England, though nominally four ſhillings, varies in different diſtricts, from four ſhillings to one ſhilling in the pound, and in ſome leſs; and this is calculated on a very moderate value of eſtates, framed in 1692, in the reign of King William III.

31. But even this tax is not free from complaint, as well in reſpect to amount as to the mode of aſſeſſment, and the partial diſtribution thereof, in each ſubdiviſion or diſtrict; and of late years, or in 1798, it was rendered ſubject to redemption and purchaſe, under the avowed view, as ſtated in the preamble of the Act, of "*ſtrengthening and ſupporting the* "*public credit, and augmenting the nation's reſources.*"

32. The land-tax, or contribution, (foncière,) in France, is ſtated in their own reports, to have been univerſally complained of as heavy, and to have fallen very unequally, although only a profeſſed fifth of the net produce. Indeed, the evil of inequality would ſeem to be incident to every ſyſtem of land-taxation that profeſſes to levy a ſpecific portion of actual produce, *from the very great difficulty, if not total impoſſibility, of correctly aſcertaining or fixing its amount or value for any length of time together.* In very light taxes this inequality may not be much felt or complained of; but in heavy ones it can hardly fail, I apprehend, to fall with the weight of oppreſſion on a conſiderable part of the agricultural community.

33. In the ancient dominions of the King of Pruſſia, the land tax is ſaid to be aſſeſſed at the rate of 20, 25, 38, 33, 40, 45, and 50 per cent. of the revenue of proprietors, according to their different ranks or privileges, and this country is conſequently far behind England in point of proſperity.

34. In Arthur Young's account of Lombardy, a very minute detail is given of the groſs produce, rent, and taxation of land.

$3\frac{1}{6}$ pertiche are ſtated to be equal to an English acre. 20 ſoldi, one livre.

35. Taking 100 pertiche in the Milanese, he ſtates its groſs produce in corn, wine, and ſilk, at 1836 livres, of which the proprietor's net ſhare is 785 livres, excluſive of tax. Land of this rent and value pays conſimento (tax) $15\frac{1}{2}$ ſoldi per pertica, or 77 livres on the hundred. The tax is paid by the farmer; but, if it were not, it would form part of the landlord's ſhare, making this latter 862 livres. The tax, therefore, to the proprietor is 77 livres, on 862 livres, which is $8\frac{30}{861}$ or £. 8. 18*s.* per cent. or 1*s.* 9*d.* in the pound.

36. Only half this contribution of 77 livres goes to the Sovereign, the other half is retained for roads, bridges, and other parochial charges, and, in ſome caſes, the partial ſupport of the curees is included.

37. "But (as Mr. Young adds,) though the burden is nothing compared with thoſe which "cruſh us," (alluding to the land-tax, tithe, and poor-rates, all of which he eſtimated equal to 8*s.* or 10*s.* in the pound,) "in England, yet 1*s.* 9*d.* in the pound is too heavy a land-"tax; it is throwing too great a burden upon landed property, and leſſening too much the "profit which ſhould ariſe from inveſting capitals in it. Were 8 3-fourths per cent. to be "laid on new inveſtments, not one livre would be inveſted."

38. If Mr. Young, a man of the firſt experience in matters of this nature, deems this tax a heavy burden, what would he think of one nearly ten times its weight.

39. On the lands above deſcribed (which are alſo ſaid not to be rich) there ſeems to have been laid a capitation tax equal to about $22\frac{1}{2}$ livres the 100 pertica.

40. *Watered*

40. *Watered* dairy lands, yielding a net rent to the landlord of 10 livres per pertica, and two livres five saldi, as censimento or tax; this latter equals 18 $\frac{9}{17}$ per cent. or 3*s.* 8*d.* in the pound. In other parts he found the tax equal to 12 per cent. or 2*s.* 4*d.* in the pound.

41. Throughout the whole Duchy of Milan, the land tax is computed at something less than one livre per pertica, which according to Mr. Young's given admeasurement of the pertica, may be said to make in English money and measure, about 2*s.* per acre (supposing the livre 8$\frac{1}{2}$ *d.* English) or about 1 *s.* 9*d.* per acre, supposing it 7$\frac{1}{2}$ *d.* *

42. In the ecclesiastical state of Bologna, the land tax is computed at only 2*d.* the English acre.

43. In Parma at about 9*d.* per acre,† and in Modena, the common calculation is, that *all taxes whatever*, only equal a fifth of the gross produce of land.

44. In Tuscany the land tax is in many places redeemed. That part of it which is paid to communities for roads, &c. and is not thus redeemable, amounts to more than one-tenth of the net rent. From the general tenor of Mr. Young's observations, I should conclude, therefore, the whole of the land-tax, previous to redemption, to have been one-fifth of the net rent.

45. Numerous other examples might be produced; but these perhaps are sufficient; all these rates are much lower than the one adopted in India. Indeed, I believe we can find no other country in the world, under the rule of an enlightened government, whose lands are subject to so heavy an imposition.

46. With regard to our other tax, as referrible to the actual produce of the lands, and purporting to be *one half of that produce*, it may be briefly observed, that Dr. Davenant states the land-rents of England, generally, to be to the gross produce as nine to twenty-one, or three-sevenths, and the rents of corn-lands (which are the chief fund of taxation in India) as two-ninths only of the produce.

47. Dr. Smith (a later writer) says, that "in the present state of Europe, the share of the "landlord seldom exceeds a third, sometimes not a fourth of the whole produce of the land."—It is therefore very clear, that in Europe, were there no landlords in the way, the lands generally could never pay a tax to the state of half produce.

48. In China, the land-tax is said to consist of one-tenth of the produce. Even under the Mahomedan governments in Bengal, it is only said to have been a fourth or fifth of the produce; in ancient Egypt the same. In the province of Malabar, a mode of assessing lands from time immemorial, has been discovered, whereby the rents to proprietors are estimated according to the fertility of different soils, and as these are exceedingly rich in Malabar, an average of the whole, according to a table thereof framed in the year 1803, gives about a third of the produce generally as the proprietor's share.

49. But it may be safely alledged, on the grounds of experience, that though some lands may be sufficiently rich to yield half their produce to a landlord or government, the other half being sufficient to defray the charges and reasonable profits of cultivation, yet this is not the case generally; in the majority of lands it will require from six to eight tenths of the produce, and sometimes more, to defray the charges and profits abovementioned; and it thence follows, that a tax, regularly and correctly assessed at half the actual produce of lands, would not leave to the inhabitants of any extensive country under heaven, a sufficiency to subsist on.

50. The system of *metaying* or letting out lands at half, which is often a third or fourth of the produce, prevailed in France, and in some parts of Italy; as far as regards the division of produce, its analogy to the Indian system is striking, and like that too, it has been every where observed by agricultural travellers and writers, (vide Mons. Turgot, Mr. Arthur Young, &c.) to be attended with wretched poverty and distress to the cultivators of the soil.

51. But there was a public tax under the ancient government of France, similar, in many respects to the one here treated of, both in its nature and operation, though not so exorbitant in its amount; the *taille* was properly a land tax, chiefly laid on farmers, or the actual cultivators of the soil; in some districts it was assessed on the value of lands held in perpetuity by ignoble tenures, but in others (and I believe most generally) on the supposed profits of those employed in agriculture, both of which were *in their effect* ‡ similar to the Indian assessment, more especially in the important circumstance of direct interference, and sharing too deeply in the first fruits of agricultural industry; for it bore a heavy proportion to the actual produce of lands; like the Indian tax it professed to be an assessment proportioned to the

* N. B. Mr. Young attaches both these values to the livre of Lombardy.

† It is a common rule in Salsette to estimate the average produce of a begah of land at one morah of Batty; a begah is about three-fourths of an acre. The morah of Batty is rated at 20 rupees, one-third of which is the Government share, or somewhat less than seven rupees per begah. At this rate even the reduced land-tax on Salsette would average *upwards of a guinea per acre.*

‡ The profit of agriculture arises out of the produce, whence a tax on the profits and a tax on the produce are pretty nearly the same thing; a certain portion must always be allowed for the expences of cultivation; whence the net produce, which is the profit, is in fact the only taxable fund.

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the real abilities of diſtricts to pay; and, like that too, it was liable not only to the ignorance and miſinformation, but the partialities, private reſentments, and prejudices of aſſeſſors. Theſe are evils incident to every aſſeſſment of this nature; it is utterly impoſſible, and has been found ſo in all countries, to make an accurate ſurvey, which requires years to accompliſh, of the produce of lands, which is yearly varying. Irregularity and uncertainty, involuntary error, and wilful fraud; oppreſſion on the one hand, and corruption on the other, are therefore the invariable characteriſtic marks of ſuch a ſyſtem of taxation, and no country preſents a more accurate proof than India, of the melancholy exiſtence *of theſe effects*.

52. Dr. Smith, in ſpeaking of the effects of the taille, draws a picture ſo ſtrikingly applicable to very many Indian diſtricts, and their ſtate of agriculture, that I ſhall here ſubjoin it. In the countries, where, " the perſonal taillé takes place, the farmer is commonly aſſeſſed in " proportion to the ſtock which he appears to employ in cultivation. He is upon this " account, frequently afraid to have a good team of horſes or oxen, but endeavours to " cultivate with the meaneſt and moſt wretched inſtruments of huſbandry that he can; ſuch " is his diſtruſt in the juſtice of his aſſeſſors, that he counterfeits poverty, and wiſhes to " appear ſcarce able to pay any thing, for fear of being obliged to pay too much. By this " miſerable policy, he does not, perhaps, always conſult his own intereſt in the moſt effectual " manner, and he probably loſes more by the diminution of his produce than he ſaves by " that of his tax. The public, the farmer, the landlord, all ſuffer more or leſs, by this " degraded cultivation. *That the perſonal taille tends in many different ways to discourage " cultivation, and conſequently to dry up the principal ſource of the wealth of every great " country,* I have already had occaſion to obſerve," &c.

53. Mr. Arthur Young remarks, on the ſame tax :—" One would naturally have ſuppoſed, " from the groſs abuſes and cruelty of this method of taxation, that the object in view " was as much to keep the people poor, as to make the king rich. As the taille was pro- " feſſedly levied in a proportion to every one's ſubſtance, it had the miſchievous effect of all " *equal* land taxes, when levied even with honeſty, for a *farmer's profit*, his ſucceſs, *his " merit was taxed exactly in proportion to the quantum, a ſure method of putting a period to the " exiſtence of either profit, ſucceſs, or merit.* The farmers are really poor, or apparently poor; " ſince a rich man will affect poverty to eſcape the arbitrary uſe of a tax, which profeſſes to " be in proportion to his power of bearing it."

54. The preceding intimation reſpecting land taxes, I believe to be perfectly juſt, as I may have occaſion, at ſome future time, more fully to elucidate. Our buſineſs here is to reduce a tax deemed exorbitantly high, rather than to diſcuſs the merits and operation of land taxes generally.

55. There were other taxes in old France, obſtructive of private induſtry, and therefore, checks to national proſperity, inſomuch that Dr. Smith, in comparing the ſyſtem of taxation in France and England, ſhows that England, even then, paid twice as much as France, in compariſon to their reſpective population, though the ſoil and climate of France, he adds, are better, the country longer in a ſtate of improvement and cultivation, and therefore, better ſtocked with thoſe things which it requires time to raiſe and accumulate, ſuch as great towns, convenient well-built houſes, &c.

56. These natural advantages, however, were ſo much more than counterbalanced by the *effect* of the French ſyſtem, and its immediate preſſure on the purſuits of induſtry, that Dr. Smith concludes with the remarkable obſervation, that the people of France, it is " generally acknowledged, are much more oppreſſed with taxes than the people of Great " Britain," notwithſtanding, as above ſtated, the French did not, relatively to their population, pay one half as much in aggregate amount.

57. But, if the experience of other countries, and the arguments of our beſt writers, againſt a heavy land tax, ſhould ſtill be thought inapplicable to this, let the matter be placed in another point of view, and the merits of the queſtion tried by the calm deductions of reaſon from poſitive facts.

58. In Sir John Sinclair's Hiſtory of the Public Revenue, a curious and intereſting circumſtance is ſtated, viz. That from Michaelmas 1787 to Michaelmas 1788, the net produce of the perpetual exciſe upon malt was £.724,786.; the annual exciſe £.603,317.; the duties upon beer £.1,666,152., upon Britiſh ſpirits £.509,167., ſo that barley yielded a clear revenue of £.3,503,422.

59. Now, the whole land-tax of England does not produce annually more than about £.1,900,000., of which no great proportion can be conſidered as at all referable to the produce of barley lands; but if, according to the Indian principle of laying the whole tax at once on the produce of land, theſe 3½ millions were attached, in the firſt inſtance, to the cultivation of barley, and the people of England were told the tax (like unto the Indian practice) was ſimplified and fixed for ever at this amount—" You ſhall have your malt, " beer, and ſpirits free :" Can any man, for a moment, ſuppoſe that this cultivation would not be immediately and effectually checked? Would capital be any more employed in a line where profit was at once annihilated, or ought but hungry neceſſity drive a people, under ſuch circumſtances, to the cultivation of their ſoil?

60. Is it not evident that a firſt tax on ſuch principles, even though capable of payment, muſt be oppreſſive, and obſtruct the progreſs of future improvement? Is it probable the

ſame

ſame quantity of malt, beer, and ſpirits, could ever be brought into being? Is it not evident too, that the aggregate amount, to which the above mentioned taxes thereon are, or might be carried, is by this means utterly incapable of realization? Is it not, in fact, a queſtion between confirmed poverty and abundant wealth? And can we, therefore, heſitate as to the preferability of the ſyſtems here contraſted, or, for an inſtant, doubt that the conſolidation of taxes on lands, to the amount, at leaſt, practiſed in India, has thus a clear and manifeſt tendency to defeat its own object.

61. But the ſyſtem of uniting all the impoſts of a country in one ſingle land-tax is the great principle of the French economiſts, though not carried to ſo ruinous an exceſs as in this country. A moderate tax on the "produit net of eſtates taken from exiſting accounts, "contracts, or leaſes, and without any pretended reference to the actual produce of the "ſoil," may be entirely unobjectionable. Arthur Young, however, would ſeem to combat even this principle; and, though he may not be allowed to have ſucceſsfully confuted it, he yet adduces a remarkable fact, which may be admitted to demonſtrate the monſtrous impolicy of ſuch a tax as would abſorb, like that of India, all, or almoſt all, the net produce of lands, leaving little or nothing but a bare maintenance to proprietors and cultivators. It ſhews, I think, ſatisfactorily that, under a heavy ſyſtem of divided taxation, wealth may continue to exiſt, nay, to increaſe, and to be expended advantageouſly, whilſt, by abſorption of the net rent of lands, it is utterly extinguiſhed.

62. After pointing out the ſuppoſed error of the French principle in forcible terms, Mr. Young ſupports his argument with the following example; which is ſo ſtriking, I ſhall give it in his own words.

63. "Relative to the utter impoſſibility of extending land-taxes in England to ſuch "a degree as to include all others, I have it in my power to refer to an inſtance of our "taxation moſt correctly given. I have inſerted in the Annals of Agriculture, No. 86, an "account of all the taxes I pay for my eſtate in Suffolk; and in that account it appears "that the tract of land which pays me net £.229. 12s. 7d. pays to the burthens of the "public £.219. 18s. 5d.; deducting from fifteen millions and a half (the net revenue of "Great Britain) thoſe taxes which enter into that ſum of £.219. 18s. 5d. there remain ten "millions and a half; and as the preſent land tax, at two millions, burthens me £.40. "a year, an additional one of ten millions and a half would conſequently lay the further "burthen of five and a half times as much, or £.220., that is to ſay, it would leave me the "net receipt of £.9. for the whole clear income of my eſtate. Perhaps the economiſts "never received directly from facts ſo convincing a proof as this inſtance offers, of the "utter impracticability of their prepoſterous ſchemes." Vide, A. Young, Vol. I. p. 592.

64. From the contemplation however of theſe facts, all I ſhould attempt to deduce is (and the concluſion ſeems to me inevitable), *that a heavy conſolidated tax on the firſt exertions of any ſpecies of induſtry*, abſorbing the whole, or nearly the whole, of its profits, is ruinous and impolitic, from being an effectual bar to the creation of that produce, on which future exertions might be profitably employed; and through the medium of which, individual wealth and public revenue ſeem capable of being increaſed to an almoſt inconceivable extent. A land-tax, more eſpecially of this nature, blaſts the very production of that wealth, which induſtry would otherwiſe bring into being.

65. It is not intended to be denied that taxes on conſumption have their inconveniences and objections; but merely to prove, that a divided ſyſtem is leſs ruinous and oppreſſive in operation, than the enormous conſolidated land-taxes diſcuſſed in theſe ſheets.

66. The exceſſive amount of our Indian tax, and the peculiar mode of its operation, by falling on the immediate employments, and ſharing in the immediate profits of induſtry, and of that ſpecies of induſtry the moſt important to man, the production of food, are therefore evidently ſo many reſtraints on the wants of ſociety, and checks to the increaſe of capital, which in the unobſtructed courſe of nature's laws would univerſally expand. If however, the neceſſities of Government will not admit of an immediate reduction of the preſent taxes, they may, at all events, be removed from thoſe ſources where induſtry is blaſted in the bud, to others where their deadening and diſheartening influence will, it is hoped, be leſs ſeverely felt; and ſome idea in practice of the utility of the change may be formed by a local application of theſe principles to the iſland of Salſette.

67. The land revenue of Salſette, as per Abſtract (A.), including the angdena or coolery tax, may be ſtated at rupees 145,850. Though much ſimplified by Mr. Rivett Camac, it is ſtill drawn from fourteen different ſources (excluſive of ſeven farms) liable to vexatious irregularities; which are, in many inſtances, accordingly felt and locally complained of, as preventive of extended cultivation and improvements. The main principle of Mr. Camac's ſyſtem was a conſolidation or abolition of many vexatious taxes, and a reduction of the batty revenues from one-half of the produce to a nominal third. The Government of Bombay, actuated by a further humane regard to the intereſts of the natives, propoſed on the preceding principle to grant the tenants of batty lands cowles, making over the ſaid lands to them in proprietory right, ſubject to the ſaid tax of one-third of the groſs produce, in perpetuity; as the cowles contained an objectionable clauſe, they have only been taken out by a few. The principle, however, has been acted on in the collection of the revenue; and in this reſpect the people of Salſette are certainly more favoured than our other diſtricts, where the principle of half produce ſtill prevails.

68. With

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68. With deference to ſuperior judgment, it is nevertheleſs humbly ſubmitted, whether a tax, abſorbing one-third of the groſs produce of land, is not higher than the landlord of an eſtate ought in ſound policy to pay in perpetuity? Whether, as the other numerous taxes are ſtill continued, the ſame complicated ſyſtem of revenue will not be perpetuated, liable to the ſame reſtraints on the inhabitants, *and the ſame vexatious interference and exactions of native ſervants*; and whether, in ſhort, the preſent cowles go the full length of that encouragement, which, according to the beſt eſtabliſhed and moſt generally admitted principles of political economy, ought to be granted to the purſuits of induſtry?

69. If theſe be anſwered in the negative, I would next humbly ſuggeſt, as well with a view to more effectual relief from high taxation, and the interference and exactions of native ſervants, as to the complete ſimplification of the revenue ſyſtem.

B. on G.

70. Firſt.—That all the various land-taxes now in force be conſolidated into one general tax, and wholly transferred from the lands and their produce *to the houſes*, which, according to the accompanying population tables, are about 11,500 in number; each houſe to pay at a certain proportionate rate, to be hereafter fixed in money, which I will myſelf, with the approbation of Government, ſettle on the ſpot; and which, to the preſent occupiers of land, muſt neceſſarily be regulated by the amount of their land-tax, as more fully explained in the accompanying Abſtract, A.

71. Let all others now paying tax to Government, have, for the ſake of conformity, that tax ſimilarly fixed on their houſes.

72. And as ſhopkeepers, who now pay nothing, may very reaſonably be included in the propoſed houſe tax, whatever be levied from this new ſource may, I ſhould hope, be allowed, in the firſt inſtance, to be ſet againſt a correſponding deduction in the amount of the tax on the occupiers of land, and the more eſpecially, as the Company are throughout the whole of the plan effectually guarded againſt loſs.

* *Note*—Angdina is a kind of Capitation or Body Tax.

73. The coolies, who now pay * Angdina, are ſo well off, in comparison with their neighbours, that it is imagined no deduction of their tax, after being fixed on their houſes, will be found neceſſary, at all events not immediately.

74. The tax thus fixed on each houſe reſpectively, may be painted thereon in large letters or figures, as the only, or rather utmoſt tax to be for ever afterwards demanded thereon. The lands having been previouſly made the private property of the preſent occupants, free of all expense for cowls, &c. may then be declared by ſolemn proclamation to be for ever free from all tax; the produce, whether of thoſe now in cultivation, or to be hereafter cultivated, to be wholly and entirely at the diſpoſal of each proprietor, ſubject only to ſale of the ſaid *lands* (not their *produce*) by public outcry for arrears of houſe-tax, in caſe of neceſſity; *and to be wholly exempt from every other ſpecies of interference on the part of the officers of government.*

75. Secondly.—Let proclamation be alſo made, that waſte lands will be granted in proprietary right to any extent that may be demanded or applied for, on condition of immediate cultivation, and under the ſame ſolemn engagement of being equally *free from all tax for ever*, except the relatively ſmall one, which may be now paid, where there are productive trees.

Orig.

76. Thirdly.—As capitaliſts and men of property may be expected to take lands on theſe conditions, the object ſhould be encouraged by further proclaiming, that no houſe-tax will be collected from new ſettlers cultivating waſte lands, for the firſt fifteen or twenty years of their occupancy, and that at the expiration of that period, they ſhall only be ſubject to the ſame houſe-tax as may be in force among the old ſettlers, and which it is intended to reduce from its preſent amount, as other unobjectionable ſources of equivalent taxation may be diſcovered to one moderate uniform ſtandard throughout the iſland. This ſtandard, as more fully explained in the Abſtract (A.) it is anticipated, may be ere long fixed at a certain rate, ſay 5 per cent. ad valorem (or any other Government may in preference decide on), without any reference whatever to the produce of land.

77. But whether or not it be the mode in force generally for houſes on the iſland, at the expiration of the ſaid fifteen or twenty years, as it is the principle to which the plan ultimately tends, it ſhould be applied, to the new houſes and new ſettlers, whenever they become liable to the impoſition of the ſaid tax.

78. Fourth.—On the revenue ſyſtem now in force, if additional batty grounds be deſired to be cultivated, or preſent cultivation to be improved, if dry grains or other products be raiſed on the high grounds, or more trees planted, neither can be effected without ſubjecting the ſpeculator to an additional proportionate tax; beſides (what may not be always ſo capable of direct proof) the neceſſity of certain preſents to the local native ſervants, for permiſſion to undertake the projected improvement, and the probability that the further annual exaction of theſe ſervants will be proportionately augmentated. Theſe are ſo many checks to extended cultivation, which the plan endeavours at leaſt to remove; ſince by confining the land-tax to one ſource, and fixing it for ever, all the profits of improved or extended cultivation are the proprietor's own, unſhared by any one, and the tax is moreover confined to a houſe, or it may be laid on any other preferable article of dead ſtock, on which induſtry is not either conſtantly or annually employed.

79. There

79. There will alſo be fewer native ſervants, as will be ſeen in the concluding ſheets of this eſſay, to exact the price of their ſanction or acquieſcence; and the impoſitions of the remainder may be reſtrained by tranſporting ſuch as are convicted of the crime.

80. Fifth.—Another improvement, and one that I believe will be truly acceptable to the inhabitants, is propoſed in the plan, as follows: the cowles contain a ſtipulation, that though the actual amount of tax be fixed for ever, its money value is liable to alteration at the expiration of a certain number of years, to guard againſt the depreciations which time and circumſtances may ſuperinduce in the intrinſic value of the precious metals. This clauſe is a ſource of doubt and uncertainty to the inhabitants, who fear leſt future governments or collectors may take advantage of the clauſe, to raiſe the actual amount of the tax hereafter; and I believe it may be difficult, if not impoſſible, to eradicate theſe fears from the number of people wholly ignorant of the principles of money, and long habituated to ſee increaſe of revenue, not its diminution, an object of deſire and neceſſity with the ſtate.

81. The houſe-tax propoſed in the plan is, however, intended to be fixed in money, for ever, that is, never to riſe; and as the gradual diminution of this particular tax (without loſs to the Company) is one of the moſt important avowed objects of the plan, every depreciation in the value of money, or permanent riſe in the value of grain, will then be an actual reduction thereof; whilſt Government may always guard themſelves from loſs, by increaſing in proportion the tax on articles of conſumption, as for example, in the preſent cuſtoms and forms.

82. But the value of money cannot be ſuppoſed to alter much in the courſe of 20 or 30 years; and it is hoped, that in a much ſhorter period than this, the tax may be every where reduced to the uniform ſtandard propoſed, of a rate ad valorem on houſes, and then it is perfectly immaterial, conſidered in reſpect to the revenue, how the value of money alters; for a revenue aſſeſſed on this principle may be augmented at pleaſure and without objection, as the value of money is reduced; another advantage, I apprehend, which the cowles do not poſſeſs.

83. Sixth.—The poorer claſſes, including the more lazy, are now alarmed at the amount of the tax being fixed in its annual amount, leſt the produce of their lands in ſome years be unequal to pay it. Here, however, all uncertainty is removed for ever; the tax is not only limited, never to riſe, but on the contrary, ſubject to gradual reduction; whilſt by the cowles it is intended to be continued for ever to be fixed at a high rate, preventive (if theſe principles be juſt) of the progreſs of improvement.

84. As the lands, under theſe circumſtances, will be more valuable to their poſſeſſors, the produce being all their own, and the tax ever leſſening, either poſitively or relatively in amount, an arrear need occaſion no alarm, for money might be more eaſily raiſed, by mortgage on lands ſo circumſtanced, or they would fetch a readier ſale; whilſt the ſame motive to their cultivation remains to ſtimulate the indolent, ſince it is only from the produce of their lands, that the propoſed houſe-tax can be expected to be diſcharged.

85. The cowles ſtipulate for the ſeizure of lands, and all the goods and chattels of every defaulter for arrear of revenue. The plan confines it to the *lands alone*; the one might reduce an unfortunate ſufferer to deſperate and helpleſs poverty; the other, with adequate ſecurity for the public revenue, leaves the means of temporary maintenance, till other employments offer.

86. Seventh.—The arrack and tobacco farms, particularly the former, are at preſent ſources of heavy complaint, as may be ſeen in the accompanying petitions (D & E); on enquiry I find there is ſome ground for the repreſentation; the price of the arrack does not here altogether fall on the conſumer. In the ſeaſon of cultivation, the proprietor or occupier of land *muſt* purchaſe the requiſite quantity of arrack for his labourers, for they refuſe to work without; ſo that thus far, it clearly operates as an additional tax on agriculture. With a view therefore, to reconcile the inhabitants to its preſent price, (which appears to be an object with Government, conſidered relatively to the morals of the people), I would propoſe, that in proportion as the revenue from arrack and tobacco increaſes beyond its preſent amount, a correſponding deduction be allowed to the old ſettlers, in the commuted land or houſe-tax.

87. This may greatly expedite the much wiſhed for reduction of the ſaid tax, which is conceived to be an object of the higheſt importance and neceſſity.

88. The other complaints of the inhabitants as to bad liquor and enhanced prices, even beyond that ſtipulated in the farmer's contract, may eaſily be obviated by aboliſhing the preſent farms, and licencing ſhops in each village, taxed at ſo much per diem, which ſhops will be mutual checks on each other, for if one ſhopkeeper ill uſes the inhabitants, either in the quality or price of the liquor beyond that of his agreement, they have their remedy by dealing with another.

89. A plan on this principle has, I underſtand, been already carried into effect in Caranja, for the ſale of liquor, with good ſucceſs, and is more ſatisfactory to the inhabitants than the late farm.

90. Eighth.—In aſſeſſing the houſe tax, a diſtinction is preſerved between the old and new ſettlers, which it is preſumed, is ſtill reconcilable to ſtrict juſtice; the whole have

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their ſituation improved by the conſolidation, commutation, and gradual diminution of the tax; they are veſted with the excluſive property in lands, already in a ſtate of full produce, and therefore juſtly liable to a heavier tax than the new ſettlers, who will have to expend capital in the cultivation of waſte lands, yielding perhaps, but a ſlow return, and therefore requiring greater encouragement, whilſt the whole tax tends, with the progreſs of improvement, to ultimate equalization, and will at length be equally light to all, without any intermediate ſacrifice on the part of the Company; the lands will then be every where relieved of thoſe burdens which are now conceived to check the progreſs of univerſal proſperity, and the great encouragement is in the interim given, as it ſhould be, to thoſe who have the greateſt, if not the ſole means of promoting it.

91. From a late report of the collector, the waſte lands on the iſlands of Salſette are ſtated at 1,739 morahs capable, beſides 312 morahs incapable of cultivation, i. e. I preſume incapable to the preſent poor and indolent race, total 2,051 morahs or 4,102 beggahs; beſides, "*thoſe waſte ſpots ſituated on the hills*," which the collector admits to be very capable of cultivation, with ſome expenſe, "adding, that a conſiderable quantity of hemp might be "produced therefrom."

92. Although my experience in revenue matters leads me to believe, that *revenue accounts ſeldom, if ever, are correct ſtatements of landed produce, or of admeaſured quantities of land, or ever can be ſo on our preſent ſyſtem*; and knowing, as I do, that pattells who furniſh the accounts on Salſette, have a manifeſt intereſt in concealing the extent of waſte lands, with a view of reſerving much more of them than is neceſſary, for the paſture of their own cattle; yet admitting, in the preſent inſtance, that the accounts are nearly correct, there is ſtill a conſiderable quantity of batty ground admitted to be waſte, beſides thoſe higher ſpots above mentioned by the collector, capable of cultivation, and which may perhaps, without exaggeration, be ſtated to include *one half at leaſt of the ſurface of the whole iſland.*

93. Now, it is the whole of theſe lands, batty and high grounds incluſive, that the plan here ſuggeſted, would propoſe to bring gradually into a ſtate of cultivation, that at laſt "every nook and corner of Salſette" (as Dr. Scott expreſſes himſelf) "may be as eagerly "bought up, and ſecured, as it is in Bombay," but which the very ſame report proves, I think to be unobtainable under the preſent checks to agriculture; Dr. Scott's own report is alſo a further proof of what new ſettlers might effect on the iſland, poſſeſſing capital, and a diſpoſition to incite the inhabitants to greater labour.

94. Ninth.—If, after all, it be objected that the plan favours the rich at the expence of the poor—the new and wealthy ſettler at the expence of the impoveriſhed old one—that even an ultimate houſe tax, ad valorem, will be more felt by the lower than the higher orders, and that theſe taxes are therefore diſproportioned to the reſpective means of the contributors, I anſwer:—

95. Firſt.—That the grand object of the plan is ultimately to reduce all to the ſame uniform ſyſtem of moderate taxation, *without ſubjecting the Company to any intermediate loſs in the amount of their annual revenue.*

96. Secondly.—That the ultimate houſe tax will be ſufficiently moderate for the meaneſt labourer to diſcharge, and muſt in fact be paid in the amount of his wages, by the richer man, who employs him. And

97. Thirdly.—That, in reſpect to want of proportion, however plauſible at firſt ſight ſuch objections may appear, yet, to eſtimate them properly, they ſhould be conſidered in relation to the nature of human ſociety.

98. As providence has been pleaſed to conſtitute this world, it is utterly impoſſible for every member of any large ſociety to be rich; the major part *muſt neceſſarily* have no other means of ſubſiſtence, than what the different varieties of labour, bodily and mental afford: the object of wealth is the gratification of wants and wiſhes; labour alone ſupplies them; and if all were too rich to work, where would be the uſe even of the largeſt poſſeſſions? Gold and ſilver are not in themſelves either food or cloathing, or capable, without labour, of ſupplying a ſingle luxury, comfort, or neceſſary of life. Without labour they are more uſeleſs to their poſſeſſors than the very ſoil they tread on. Without labour, wealth, in the common acceptance of the term, would be abſolute poverty.

99. It is among the able, the induſtrious, or the favoured few, that the acquiſition of wealth is conducive to the proſperity of ſociety at large; for when acquired, it is infallibly circulated. Its liberal circulation in the employment of labour, is the only natural means of diſtributing the comforts of life to the inferior claſſes; and this diſtribution is generally proportioned in all ſtates to the degree of civil liberty they may be bleſſed with. It is thus only that wealth is uſeful or contributive to the happineſs of mankind; and its natural utility and peculiar mode of operation ought to be the guide of all governments in promoting its acquiſition.

100. To tax the members of a ſociety in proportion to their means is certainly an equitable rule; but it is thought by many reſpectable authorities, that there are no more equitable or certain means of obtaining this end than by taxes on *individual conſumption*; the generality of mankind conſume, in proportion to their income, from whatever ſource it ariſes, and therefore, taxes on the price of commodities are proportioned to people's means, through the

the medium of their expenditure. But taxes which bear immediately and heavily on individual profits, cannot fail to be oppreſſive; they check the acquiſition of wealth, confirm general poverty, and therefore obſtruct the only poſſible means by which the laborious, i. e. the major part of every ſociety, can be expected to proſper.

101. If, therefore, taxes affecting the poor fall eaſily within their limited means of payment, or occaſion no forced riſe in the wages of labour, and that the other taxes of a ſtate leave the field of induſtry free and unobſtructed, the ſocial body has then all the benefit which government is capable of extending to it. To ſecurity and protection is added proper encouragement; the lower benefit by the wealth of the higher claſſes; their utility and dependence on each other are reciprocal, and the good of all is promoted by its beſt means of attainment, that of mutual advantage and aſſiſtance.

102. Though there is an evident limit beyond which the wealthy few cannot paſs, or would ceaſe to be productive of further good, yet it may be impoſſible to define the preciſe number in any ſociety that would be moſt beneficial to the whole. But there is a natural property in wealth in proportion to its own increaſe, to increaſe alſo the laborious hands deſtined to ſupply its wants; the liberal recompence of labour enables the poorer claſſes to live in greater comfort, to rear larger families, and, conſequently, to increaſe in numbers; or it invites additional hands from abroad; ſo that the proportion between rich and poor, if left to itſelf, will always balance itſelf. It is a caſe that would only bewilder human governments to define, and is referable to the laws of nature alone, by obſtructing which, we can never be right; by following which, we can never be wrong.

103. Unlimited encouragement therefore, to all who chooſe to adventure in the purſuits of induſtry, ſhould be the policy of thoſe who rule, ſince the acquiſition of wealth, by the few, is the ſource of univerſal proſperity; and the expenditure of it, among the many, the only practicable method of ameliorating the condition of the lower orders.

104. Tenth.—From an arrangement, therefore, on theſe principles, or with ſuch modifications as local circumſtances may, on carrying the plan into effect, require, it is humbly hoped that the ſpirit of induſtry, which is ſaid to have diſappeared with the great Portugueſe ſettlers, may again revive on the iſland of Salſette. Without it, every hope of improvement is vain. The preſent inhabitants are certainly better off in ſome reſpects ſince the introduction of Mr. Rivett Camac's ſyſtem of revenue than they were before; but neither have their numbers, their cultivation, their energy, or their wealth increaſed; long habituated to a ſtate of hopeleſs poverty, it is manifeſt, that with the means, they loſt alſo the inclination to better their condition beyond the reach of ordinary encouragement to relieve; and ſuch are the habits of lazineſs ſtill prevalent, which poverty and oppreſſion have long tended to perpetuate, that were the whole revenue of the iſland ſurrendered to *its preſent tenants*, it might be longer before it ſtimulated to greater energy among themſelves.

N. B. The accompanying population tables, taken from the public records, ſhow the numbers to have decreaſed ſince the year 1802.

105. Capitaliſts are therefore indiſpenſably neceſſary to recal into activity the deadened powers of this degenerate race; but, without adequate profit, it cannot be expected that capital will ever be devoted to ſo deſirable an end. The preſent plan however, propoſes this encouragement, by holding forth to its acquirers all the profit which the employment of agricultural capital is capable of affording, ſubject, ultimately, to a moderate tax at the utmoſt, wholly unconnected with, and independent of, the amount of profit in queſtion. The tax being ever limited, though the profit be for ever increaſing.

106. The introduction of capitaliſts into the iſland muſt neceſſarily bring about an improved and extended cultivation; the lower claſſes will hence find conſtant employment, and enjoy greater comforts; their numbers increaſe, and, with the further addition of new lands to be employed on the preſent waſte grounds, occaſion an increaſed conſumption of liquor, tobacco, &c. The old will thus be better reconciled to the new ſettlers, not only from the improvement of their own circumſtances, but from the effect of their augmentation in reducing the rate of the old tax. Capitaliſts will alſo, in many inſtances, purchaſe productive lands from the old ſettlers, to the great advantage of the latter, who may find more comfort and profit in being the well paid farmers, or even labourers of a wealthy landlord, than as the needy poſſeſſors of, to them at leaſt, unproductive eſtates.

107. Eleventh.—An abundant ſupply of water is ſo well known in this country to be one of the moſt eſſential requiſites in agriculture, that it may be needleſs to dwell on all its advantages. The impoſſibility of any extended cultivation, without it, the extraordinary capacity of land in this country to produce, uninterruptedly, with it, and often, ſeveral crops in the ſame year; and the means which large reſervoirs of water would conſequently afford to mitigate the calamities of dry ſeaſons, render it an object highly deſerving the attention of Government.

108. From the generally impoveriſhed ſtate of our agricultural population in India, it is not to be expected that works requiring a conſiderable expenditure of money, however deſirable, can be undertaken by them. Even tanks, already in exiſtence, are ſuffered to go into ruin and decay, from the inability of agriculturiſts to clean and repair them. The aid of Government is perhaps indiſpenſable; and there is no doubt but it would operate as a moſt important encouragement to agriculture, if only prudently and judiciouſly employed.

109. On the iſland of Salſette, for example, there are numerous ſpots in the vicinity of the hills, where water might be dammed up, and thereby reſerved for the uſe of cultiva-

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tors throughout the year; the beds of rivers, now dry very ſhortly after the rainy ſeaſon, afford, by means of dams, another ſource of eaſy ſupply; and reſervoirs, I imagine, might be formed of any required capacity in the places here alluded to, at a comparitively ſmall expence to Government; and this expence admit, without inconvenience, of ſuch arrangement with the inhabitants as to be gradually reimburſed to Government, by an annual moderate tax from thoſe in whoſe favour and at whoſe deſire the outlay ſhall have been made.

110. I confeſs that I am no advocate for the premature conſtruction of public works in an impoveriſhed country, or one likely to continue ſo: public canals or high roads, for example, in a deſert would be uſeleſs; they are little better in a country of confirmed poverty, where the inhabitants themſelves may be inſenſible of their advantage, or deſtitute of the means of turning them to account. In theſe caſes, the expence incurred is always diſproportioned to the reſulting good. A canal or a road, cannot of themſelves create population, or excite the induſtry of the confirmed poor, any more than a market-place can attract ſupplies for which their is no demand. In all theſe caſes I ſhould prefer awaiting a general ſenſe of the uſes and benefits of ſuch a work, previous to the expenditure of any conſiderable ſum in the execution; but in the caſe here recommended, of reſervoirs, the benefit is ſo obvious, and the uſe ſo immediate and certain, as to juſtify, it is hoped, this ſuggeſtion of the work to the favourable conſideration of Government.

111. The ſpeculations on this ſubject, it may be added, are far from merely theoretical ones. The incalculable benefits of large reſervoirs have been actually experienced in the agricultural practice of many nations; numerous proofs may be adduced of it, but I ſhall only trouble the Board with the accompanying extracts (F. G. H. I.)

112. The animated deſcription, by Mr. Townſend, of the wonderful effects of the pantano on the beauteous valley of Huerta in Spain, cannot be read without admiration. The effects of the reſervoirs mentioned by Neibhur, and the proſperity and decay of the population and countries therein referred to, which ſeemed to follow as conſequences of the abundant ſupply and failure of water, as well as of change of government, are alſo ſtriking; and, above all, the numerous obſervations and poſitive practical facts adduced by the celebrated Arthur Young, of which, however, to avoid prolixity, I have only extracted a few ſtriking inſtances, will, I truſt, be found to merit the particular attention of Government.

113. In the vicinity of Surat the reſult of irrigation is ſtill more wonderful. From the accompanying ſtatement received from Surat Deſſoys, now in Bombay, it would ſeem that ſome of the well-watered lands are worth *about ſeven* and *ten times* as much, in groſs produce, as the beſt of thoſe that are only watered by the monſoon, and the revenue derived therefrom alſo proportionably greater. As theſe lands are under the Company's authority, the fact is capable of correct aſcertainment, and it is of importance ſufficient to merit minute inveſtigation, if this ſtatement be only an approach to accuracy.

114. I have by me a jummabundy of the diſtrict of Ahmednugger, for Fuſlee 1214, wherein the revenue, on an average per begah and per acre, is ſtated at from four to near ſix times as much, on conſtant watered as on monſoon watered lands.

115. In Baſſeen, cloſe to the northern boundary of Salſette, a moſt beautiful and rich cultivation is alſo eſtabliſhed, with the aid of irrigation, and one that affords a ſtriking but mortifying contraſt with the agriculture carried on cloſe to it, within our own frontier; but where the ſame effects might undoubtedly be produced, if to a ſpirit of induſtry were only added the ſame means of increaſing, through irrigation, the productive capabilities of the ſoil.

116. In Malabar, Corgo, and Wynaad, I have ſeen ſimilar effects produced in valleys abundantly watered; but it is needleſs to multiply examples of facts ſo well eſtabliſhed in this, and perhaps every other part of the world.

117. I believe I may confidently add, from a ſuperficial knowledge of the laws of hydroſtatics, that whoever, as a profeſſional man, is acquainted with that well known and fully eſtabliſhed principle of the preſſure of water, in proportion to the height of its column, not to its actual bulk, might conſtruct theſe reſervoirs on Salſette at a very moderate expenſe; another ſtrong recommendation in favour of the experiment.

118. Another object in the eſtabliſhment of theſe tanks or reſervoirs, though perhaps ſomewhat more diſtant, yet not leſs important, is, that they may hereafter prove a ſource of very conſiderable revenue to the ſtate. Whenever this may be, it is preſumed they will be found unobjectionable ſources of taxation, at the ſame time that it may be prudent to reſtrict the taxes thereon, under preſent circumſtances, to the mere reimburſement of their original coſt, i. e. until their great utility and advantage be very generally felt, or until a ſpirit ſhall be excited on the iſland to extend its agriculture beyond the limits to which it is now very generally reſtricted by an annual ſupply of water from the heavens.

119. At ſome future period therefore, and that not very diſtant, it ſeems to be by no means viſionary to calculate on a clear revenue from this ſource, which I would earneſtly recommend, in the firſt inſtance, as a further ſubſtitute for the preſent land-tax, or to aid in the reduction thereof. And when this tax ſhall be ſufficiently reduced to be no longer an impediment to the progreſs of general proſperity, it may be difficult to foreſee to what extent the

the propoſed houſe-tax and reſervoir-tax may be carried. A reſervoir-tax is moreover, in my humble judgment, as unobjectionable as a houſe-tax, from its not interfering, as before obſerved, *with the immediate purſuits, or ſharing in the immediate profits of induſtry.* A fixed annual tax for a ſupply of water, will conſtitute no part of a man's view of his profits from the ſale of an untaxed produce; the tax is fixed while the produce may be any thing; and the principle already repeated in the courſe of this eſſay, of holding forth to the induſtrious the proſpect of indefinite profit, or of a profit extenſible to any practicable extent of his own exertions, is therefore equally adhered to.

120. Laſtly.—In ſhort, the whole plan proceeds on the principle of exciting univerſal induſtry, by holding forth its only natural incitement; and ſuch is the favourable ſituation of the iſland, from its proximity to a market capable and ready to abſorb its utmoſt poſſible produce, that induſtry and proſperity might be here carried to an incalculable and indefinite extent; and as general wealth increaſed, if more revenue were requiſite to anſwer the juſt calls of Government, there would then be found abundant ſources of unobjectionable augmentations.

121. In the interim, the Company, under any reſult, are effectually guarded againſt loſs; for their preſent revenue from the iſland is fully and cautiouſly ſecured to them throughout every ſtage of the plan, with no reduction of what is deemed the objectionable tax, until an unobjectionable equivalent is preſented; and if the plan be otherwiſe ſucceſsful, this muſt be admitted to be no ſmall additional advantage, in a country ſo poor and yet ſo highly aſſeſſed.

122. By the reduction of the new eſtabliſhments the Company will moreover be conſiderable gainers, as more fully ſhewn in the ſequel.

123. The preſent ſtate of Salſette exhibits a fact highly intereſting to political inquirers, and on which a few remarks may be uſeful, particularly if they ſhall be found equally applicable to other parts of our Indian territories.

124. In Mr. Rivett's able report of the 25th of June 1796, he aſſerts the iſland of Salſette to be equally populous, if not more ſo than ſome of the moſt proſperous known countries.

Recorded in the Revenue Department of the 19th Auguſt 1796.

Its extent is ſtated to be 240 ſquare miles, and its population 51,000 ſouls, which correſpond with the population tables accompanying this eſſay; with the facts, it is curious to compare the late ſtatements of the population of our mother country.

N. B. The population is rather diminiſhed ſince Mr. Rivett's time.

In the Encyclopedia Londinenſis, containing ſome of the lateſt ſurveys, the population of England and Wales is given at 8,400,000 ſouls; and the extent of territory 49,540 ſquare miles. This gives 169 inhabitants to every ſquare mile, whereas thoſe of Salſette are 212.

N. B. Theſe, I apprehend, are geographical miles, ſixty to the degree; for according to another computation now before me, the ſuperficial contents of England are ſtated at 66,348 ſquare miles, at the rate of 69½ miles to a degree; and even ſuppoſed to be as much as 73,306 ſquare miles; according to the firſt of theſe numbers, the population is about 126¾. and according to the laſt, about 114½ per ſquare mile.

125. If the ſituation of theſe two countries be only viewed by the moſt ſuperficial obſerver, it is impoſſible not to be ſtruck with the active energy of the one people, and the languid apathy and helpleſs indolence of the other; and thinking minds can hardly avoid the concluſion, that agriculture alone is not ſufficient to promote or ſupport a vigorous and efficient population; and that population, however extenſive, is inefficient and comparatively uſeleſs, *unleſs it be ſtimulated* to active employment. Without at all pretending, or even feeling qualified to engage in the diſputed points reſpecting agriculture and population, the example before us is too forcible to be invalidated by arguments derived from theory alone. We here clearly ſee, that farmers and cultivators will raiſe food for themſelves, but not gratuitouſly, for others; neither will thoſe others ſupply the extra wants of the agricultural claſs, without an equivalent value in exchange; extra exertions on both ſides muſt be rouſed by the application of proper incitements; if theſe be wanting, agriculture alone, its conſequent population, and the proſperity of the ſociety at large, have an evident limit, and that by no means an extenſive one.

It may be objected that Salſette is too limited a ſpot to compare with England and Wales as to relative population; but the average of Salſette, is alſo that of at leaſt a large proportion of our Indian territories. The Bengal provinces for example, are alſo computed to be peopled at the rate of about 200 per ſquare mile.

126. By theſe obſervations it is not pretended to deny, that agriculture is a ſource, and the original ſource of wealth, but rather to contend that its productions loſe their character of wealth, when confined to the uſes and conſumption of the actual producers; that wealth, in ſhort, conſiſts more in the ſurplus produce of agriculture than in the portion which cultivators immediately conſume; and that this wealth ſhould neither be checked in circulation by impolitic reſtraints, or drained from the pockets of its induſtrious acquirers by heavy taxation; for, in the hands of the latter, wealth, with filial regard, as it were, to its parental ſource, re-acts upon induſtry, by ſtimulating it to the ſupply of greater wants, the chief of which is food; and food for a flouriſhing population can only be procured by extended agriculture, which thus, and thus only, is enabled to paſs the abovementioned barrier that poverty and reſtrained wants would ſeem to preſcribe to it.

127. Without theſe ſtimulus indeed there may be even ſuperfluous produce in a country, if demanded by foreign conſumption, without conducing in the leaſt to its own abundance or proſperity; for if the proceeds of that ſuperfluous produce or the major part, be equally with the proceeds of home conſumption abſorbed by high taxation, we may be ſtill far removed from a progreſſive courſe of improvement. Internal wealth is ſtill wanting to excite the induſtry of the neceſſitous, in the other mechanical branches of civilized life; the price of labour is conſequently too low, and its produce yielding but a ſcanty ſubſiſtence, population becomes ſtationary, and at the ſame time feeble, inefficient, and comparatively uſeleſs. A country may thus be populous, as in Salſette; may even export a ſuperabundance of grain annually,

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annually, and yet be wretchedly poor; and many *of our Indian diſtricts are perhaps exiſting proofs of this fact.*

128. It is a common thing too in poor countries for the lands to be divided and ſubdivided into ſmall poſſeſſions or farms. Our Indian territories preſent abundant examples thereof; and wherever it is the caſe, an extenſive population may be ſupported; but as in Salſette, it muſt be proportionately poor and feeble, each ſubdiviſion being entruſted to the management of a ſeparate family; it follows, that the more ſubdiviſions, the more will be the families maintained, as long as each ſpot ſhall be capable of affording ſufficient produce for the maintenance of its occupiers.

129. Subdiviſion may be eaſily conceived therefore ſo minute, as that the whole produce, including rent and profit, ſhall at length be abſorbed in the maintenance in queſtion; there will then remain no ſuperfluity to excite employment in the other branches of the ſociety; the cultivators of the ſoil may be ſaid to labour almoſt for themſelves alone; and the poverty of ſuch a ſtate is irremediable, except by the conſolidation of ſmaller poſſeſſions, till the ſurplus bears a high and due proportion to the groſs produce, and by ſubſtituting rich proprietors and capitaliſts for wretched occupants, who, thus bordering on the condition of brutes, are reſtricted to the unnatural neceſſity of almoſt excluſively ſupplying their own wants.

130. This is the utmoſt limit of ſubdiviſion, and of conſequent population and poverty; but it muſt be remembered, that all approaches to it are only leſſer degrees of the ſame evil; and in the applications not unfrequently made on Salſette, for the circumſcribing of lands, from want of means to cultivate, at the ſame time that it is a proof of growing poverty. I would humbly recommend to Government this conſideration of the probable conſequences of preſent acquieſcence in the requeſt.

131. It would hence then ſeem to be impoſſible to encreaſe a people to any uſeful end, if the ways of active employment are obſtructed, or ſhut, and that kind of employment too, which renders them ſerviceable to each other. This employment only ariſes out of reciprocal wants; wants are only created or encreaſed wealth, and wealth is unattainable, or incapable of active circulation in a country like the interior of India, where the immediate ſources and employments of induſtry are ſo highly affeſſed.

132. "The political economy of government is brought to perfection, when every claſs, "in general, and every individual, in particular, is made to be aiding and aſſiſting to the "community, in proportion to the aſſiſtance he receives from it."

133. "That number of huſbandmen therefore is the beſt, which can provide food for all "the ſtate; and that number of inhabitants is the beſt, which is compatible with the *full* "employment of every one of them."

134. Thus too the plan propoſes to reanimate the Salſettetes to *full* and active employment, by opening wide the field for induſtry, by holding forth the certainty of great, and the proſpect of *indefinite* profit; and by the conſequent introduction of capitaliſts, with all their train of wants, to give life, energy, and activity to the whole. If the old houſe-tax prove for a time heavy, it is ſtill removed to a far leſs objectionable ſource, from one of the moſt important of human employments, and that employment no longer clogged with the diſheartening proſpect of its profits being about to be ſhared, nay diſproportionately ſhared, as ſoon as labour ſhall have acquired them; and it has been kept in view throughout, to give full operation to thoſe laws on which ſocieties are founded in nature, by removing the obſtructions which ſeemed hitherto to oppoſe the natural extenſion of wants, and to giving to ſelf-love, or ſelf-intereſt, a manifeſt advantage in ſupplying them.

135. The field of induſtry is not only opened to all, but freed alſo from interference or direction on the part of Government; and the free agency of man, his abſolute and unalienable right, left at full liberty to follow thoſe branches which he may himſelf find moſt conducive to his own benefit, and of which he alone is the fitteſt natural judge. Though this principle be generally admitted in theory, it is too often diſregarded in practical ſyſtems of taxation; for all taxes, whoſe operation is to check induſtry in its natural channel, or to force it into others leſs zealouſly, and therefore leſs advantageouſly purſued, are greater or leſſer violations of this natural right. Man, as a free agent, is properly amenable to no reſtraint, except in what may be abſolutely pernicious; in other reſpects the freeſt exercise of his own will is his undoubted privilege; made by his creator to proſper, rather than to pine on earth, his creator's laws are conſiſtently directed to the ſame end; they are according parts of one admirable whole, and muſt therefore evidently operate with moſt efficacy, where free agency is leaſt reſtrained. It is, in ſhort, that enviable ſtate of civil liberty, as much the happineſs of ſubjects to acquire, as it ſhould be the pride of Government to eſtabliſh.

136. Having in the preceding paragraphs intimated the practicability of reducing the native eſtabliſhments on Salſette, Caranja, &c. it will be proper to ſubjoin, that I propoſe this arrangement on the principles of a plan which I carried into effect ſome years ago, and with entire ſucceſs, in a much more extenſive territory, and of more difficult collection.

137. On Salſette, if the preſent ſimple plan of revenue be adopted, a ſtill ſmaller eſtabliſhment than what I now propoſe may very poſſibly be found to anſwer; but if it be deſired to extend it to other diſtricts where the old ſyſtem of revenue continues, an adequate idea will,

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will, I hope, be conceived from the enclosure K., wherein, with a view to more easy comprehension, I have adopted it to the present system and revenues of Salsette.

138. This island, already containing seven districts, is divided by the plan into as many patelships, to whom, with a proper number of peons, are entrusted the superintendence and controul of the sub-patels, and the responsibility of forwarding without delay the revenue, as collected to the cutcherry. The sub-patels are the immediate collectors of it (in districts where more than one patel is necessary) within circles of about six or seven thousand rupees each, having a writer under them to keep accounts, of which copies should be forwarded through the head patel, with every consignment of treasure, and three peons each, to aid in collecting, and when necessary to be allowed to call on the head patel with his peons, to grant their assistance. In Salsette, if the present revenues be commuted for the proposed house-tax, it is possible that one sub-patel, of capacity himself to keep a simple account, may do in each circle, under the orders of the district or head patel, without a writer under him; but in other countries, where the accounts are less simple, a writer may be necessary.

139. From the accompanying voucher (K), it will be seen that a sibbendy or village establishment, on this principle, falls considerably within the amount of 5 per cent. on the gross collections, so as to leave, I trust, an ample allowance for the cutcherry of the collector, without exceeding that per-centage.

140. In another country, where I have already tried the experiment, I found it abundantly satisfactory to the natives. The employment of these, in preference to foreigners, afforded them a gratification which enabled me to engage the services of men of the first respectability and influence in the country, at salaries nearly corresponding to those inserted in the voucher; and by ridding the country of a horde of foreign native servants, I not only eased the public of a heavy unnecessary expense, but the local inhabitants *of the exactions of this foreign tribe, which from the total inability of a single European collector to controul, are very generally, perhaps universally, a most burthensome addition to the weight of the established taxes, and therefore a double bar to the means of improvement.*

141. I do not pretend that by the employment of resident natives of influence, men of greater purity were introduced into office, but from identity of habits, and being long known and respected within their local spheres, their administration was more acceptable to the natives, and from paucity of numbers, and perhaps too a fellow feeling for friends and neighbours, less generally oppressive.

(Signed) R. RICKARDS.

Bombay, 24 Sept. 1807.

MEMORANDUM of the Number of TAXES, and their Amount, from which the LAND REVENUE of Salsette is at present realized.

1 Batty	104,841	2	98	
2 Brab Trees	13,545	1	0	
3 Mohoturfa (Artificers)	2,663	3	0	
4 Baggai or Oarts	6,699	2	50	
5 Dannar Cocoa-nut Trees in peoples compounds	558	3	0	
6 Rents or Godowns	186	2	65	
7 Cocoa-nut Oarts belonging to Sircar	0	3	0	This is the produce of the Oarts in kind.
8 Dongur Dhulley	108	0	0	
9 Wuskeesor Hill cultivation of Gingitie, &c.	28	3	34	
10 Maryse and Codjans	1302	3	66	Company's Property.
11 Sircars Salt-pans	434	2	08	Ditto let at outcry.
12 Fuzendars Salt-pans	777	3	72	pay $\frac{1}{6}$ of the produce.
13 Ground allowed for garden	16	1	25	
14 Angdana or Cooley Tax	14,685	3	0	
Total	Rs.1,45,850	3	68	

LAND REVENUES	1,45,850	3	68
15 Tobacco Farm	28,825	0	08
16 Arrack Farm	67,300	0	08
17 Farm of Hay	400	0	0
18 Ditto Date Trees	395	0	0
19 Ditto Poonavem Flower	735	0	0
20 Ditto Stone Quarries	167	0	0
21 Ditto Duty on Junger	1,438	0	0
Total	Rs. 2,45,110	3	74

N. B. Of the preceding taxes *that on batty alone*, is intended to be included in the cowles, as now drawn out; and these cowles would perpetuate the said tax, at its present rate or rates, for ever, without any diminution in its amount to the present or old settlers. The rates of this tax now are a nominal third of the produce of white batty grounds, 4-3-2, and 1 parrah per beggah on private salt batty grounds; and half produce on salt batty grounds, the property of the Company. From

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the wording of these cowles being confined to the computed one-third of the rated gross produce of the soil, it seems doubtful whether the last mentioned tax on Company's salt batty grounds be intended to be included, it could not, without a fresh assessment, which would diminish the *present* amount of revenue. The tax, however, is payable in kind, but commuted into money at 20 rupees per moorah of white, and 16 rs. 2 qr. of black batty, liable to a future decennial adjustment. Both lands, and the goods and chattels of defaulters, are liable to seizure for arrears of revenue.

Bombay, 24th Sept. 1807. (Signed) R. RICKARDS.

HEADS of the propoſed New Plan.

1. THE preſent revenue being derived from fourteen different ſources (beſides ſeven farms), and many of the payers contributing from two or three different heads, with a view of ſimplifying the revenue both to payers and receivers, it is propoſed to conſolidate the whole of the different land-taxes into one general tax, to be removed from the land and its produce, and fixed on houſes in perpetuity.

2. Cowles to be granted to every landholder on the iſland of Salſette, making over the ſaid land to him which he now occupies and cultivates, after correct admeaſurement, in full and excluſive proprietary right.

3. The ſaid cowles to ſpecify not only the extent of the land thus made over to the proprietor, but the particulars of the different taxes now paid by him, the whole to be then conſolidated and commuted into one general houſe tax, *fixed in money*, never to riſe, though ſubject to diminution, as will be hereafter explained.

4. The tax being thus fixed on a houſe, will then have no reference whatever to the produce of land; a proprietor may then extend or improve his cultivation within the limits ſpecified in his cowle, without any interference on the part of the ſervants of government, or being liable to one or more pice of tax. The profit of every improvement will then be wholly and entirely the proprietor's own.

5. After the tax is thus fixed, any ſervant who interferes with a proprietor in his cultivation or improvements, to be puniſhed by tranſportation beyond ſea.

6. For the ſake of conformity, the houſe-tax ſhall extend to all thoſe now paying revenue on the iſland, and be proportioned in each caſe to ſuch payment; it ſhall extend alſo in due proportion as this ſource of revenue (which a new one) be productive; it ſhall be allowed to operate in diminution of the rate of houſe-tax to the *preſent* occupiers and cultivators of land; hence, no man will in any caſe pay more than he does at preſent, but evidently leſs, even in the firſt inſtance. Another advantage of the commutation is, that the tax will thus be *one* and permanently fixed; i. e. never to riſe, though individual profits may be perpetually increaſing.

7. Waſte lands, which require encouragement and much expenſe to cultivate, will be granted *free of all tax for ever*, excepting ſuch as may now be paid from trees or other articles thereon; any new houſes built on the iſland, to carry on the waſte cultivation, will be ſubject to no tax for the firſt fifteen or twenty years. After which period the proprietors, &c. will pay the ſame houſe-tax as the reſt of the iſland, which it is hoped may before this time be reduced to one uniform moderate ſtandard every where.

8. In the event of arrears of revenue, the *lands* of proprietors, but not their *produce*, will be liable to public ſale to make good ſuch arrear.

9. In order to expedite the great object of the plan, viz. *the reduction of the preſent land revenue to the ſtandard above adverted to*, I alſo propoſe, that in proportion as the preſent farms of tobacco and arrack ſhall, by ſome better management become more productive than they *now* are, a correſponding amount ſhall be given up in the commuted tax to the old ſettlers.

10. The plan alſo propoſes the eſtabliſhment of tanks or reſervoirs on the iſland, for the purpoſe of irrigation. It is propoſed to make theſe reſervoirs likewiſe a ſource of taxation; firſt, to reimburſe the expenſe of conſtruction; afterwards to be an equivalent for further reductions in the houſe-tax; and when theſe combined ſources ſhall be found ſufficient for the purpoſes now anticipated, it is finally propoſed, that the houſe-tax be converted into a tax ad valorem, and for ever; after collected on that principle from all the houſes of the iſland, without any reference whatever to the produce of lands*, and this rate to be applied to the houſes of new ſettlers, cultivators of waſte land, in fifteen or twenty years from the date of their poſſeſſion.

11. And laſtly, the plan propoſes a ſaving to the Honourable Company, by reduction of uſeleſs eſtabliſhment, and other charges of more than two-thirds the preſent annual amount.

Bombay, 24th September 1807. (Signed) R. RICKARDS.

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* Note.—On theſe principles it will be perceived, that the houſe-tax to old ſettlers will only undergo gradual reduction, as other equivalents offer, whence alſo the Company will at no time ſuffer the leaſt actual diminution of revenue; and the ſaid houſe-tax will not be finally converted into a tax ad valorem, or an eſtimated rent thereof, until all the propoſed ſources of revenue be found productive of an equal amount to that now derived from the iſland.

ABSTRACT

No. 3.
Mr. Rickards (24 Sept. 1807) on Taxation and Revenue.

(ABSTRACT).

Houses and Population, &c. of the Island of Salsette, taken from the late Collector's "Inspection of Villages," framed in 1802.

	Land Revenues, Rupees.	Population.	Houses.
Mallar District	34,621	10,619	2,665
Daravie D°	11,415	4,285	739
Gorabunder D°	10,663	3,209	709
Tannah D°	23,883	12,996	2,728
Marole D°	23,561	5,407	1,365
Tromba D°	35,396	8,605	1,858
Bandora D°	12,070	6,986	1,406
Total	151,629	52,107	11,470

(Signed) R. RICKARDS.

(ABSTRACT).

Numerical List of Population and Houses of the Island of Salsette, taken from the Collector's Records for the Year 1807.

	Houses.	Population.
Tannah District	2,178	10,972
Gorebunder D°	652	3,244
Daravee D°	816	4,524
Marol D°	1,241	5,392
Tromba D°	1,888	8,692
Mallar D°	1,986	9,817
Bandorah D°	1,406	7,283
Total	10,167	49,924

The population of the villages under Doctor Scott, and Mr. Ashburner, is not registered in the collector's books. The numbers therefore may not be accurate; they are probably less than the truth, being taken from the table framed by the collector himself in 1802. Since these estates are perhaps the only part of the *interior* of Salsette where population encreases.

(Signed) R. RICKARDS.

TRANSLATE of a Repreſentation from the Patell Mattaras and Ryatts on the Iſland of Salſette, dated 11 Auguſt 1807. *Sic Orig.*

After Compliments;

Repreſenting that your honour wiſhed to know the reaſon of the ryatts being in poor ſituation, ſo in what manner they will become rich, as alſo to ſtate what hardſhip they bears, conſequently we now beg to propoſe as follows, viz.

1. That the late Mr. Rivett, chief of this iſland, having obſerved the indigent ſituation of the ryots, and have fixed one-third of the produce as ſircars toka allowed in the meantime to pay for it at rupees 20 for white, and rupees 16 per morah of black batty; beſides given up ſeveral baptus or taxes, which made greatly happy to the ryots, requeſting therefore to your honour (being in the place of Almighty) to fix the ſame price of batty to our poſterity.

2. That in the iſland of Salſette have leaſed two farms of arrack and tobacco, which is great deal prejudicial to the ryots, viz.

1. The ſircar have bind the arrack farmer in his leaſe, that he muſt ſupply to the ryots ſix half maunds of arrack (for each morah of land at the rate of rupees 1-1) per each half maund, which he, the farmer, according to the condition of the leaſe, never ſupplies to the individuals, but putting off from time to time for the delivery, till the fixed period of the leaſe is expired, and than offering at rupees 1-3 per each half maund, which is not even good, but like water, and ſome time ſour, which undoubtedly makes people ſick; and the perſon who accuſtomed to drink half ſeer of arrack in a day, he cannot ſatisfy himſelf even with three ſeers; beſides, the farmer purchaſing bad arrack from the bandarees, at under rate, as of half a rupee, and ſome time ſix annas per each half maund, and he diſpoſes the ſame to the conſumers at the ſircars fixed rate of rupees 1-3 per each half maund, even for

No. 3. Mr. Rickards (24 Sept. 1807) on Taxation and Revenue.

Sic. Orig.

the payment of ſuch decreaſed rate, at which he purchaſes the arrack from the bandaree, evades them from time to time, and, laſtly, don't diſcharge in full their due; however the bandarees in ſuch caſe ought to prefer their complaint before the judge; but the poor ryots fears, for they obliges to break their time from two to four days to attend for the juſtice; thus they cannot proceed by laying their work at aſide. Prior to the arrack farm is leaſed out, the ryots uſe to get from two to three quarters of a rupee per each half maund of arrack.

2. The tobacco retailers, without receiving any wages from the tobacco farmers, paying him rupees 5 per maund of tobacco, and carrying the ſame for the petty ſales, who do not ſell more than three quarter per a ſeer of tobacco; ſo, at medium rate, the ryots obliges to purchaſe at rupees 8 per maund, inſtead of rupees 5, as all ſort of people do not underſtand in the weight; beſides the tobacco which the farmer ſupplies is of inferior quality, no doubt he might, purchaſing it at under rate. The perſon who have expenditure in his houſe of one ſeer of tobacco, he do not ſatisfy even with four ſeer, being of bad quality, and it makes them ſick by coughing. Prior to the farm is eſtabliſhed, the ryots uſe to get from 2 to 2-2 rupees per maund of tobacco, which is of a ſuperior quality. Thus, Sir, the ryots labour under the detrimental ſituation owing to the aforeſaid two farms.

3. That in the iſland of Bombay no fees were collected from the ryots for the wedding permits. As in this iſland ſome people obliges to pay fee of rupees 2-25, from which article the ſircar do not reap much revenue, conſequently we the ryots requeſt to give up this trifling tax to them, that they may celebrate the wedding without note, or paid any fees agreeably to the rule obſerved in Bombay.

4. The ſircar wiſhes to give to the cultivators the deeds of property, but the toka and the rate of batty, which is fixed by the late Mr. Rivett's ſyſtem, as prayed in the 1ſt article, is to abide them by adding the ſame into the deeds of property, and then to deliver the ſaid deeds of property to the cultivators, yet if any cunumbees is unable from his ſituation to cultivate all the land now under his title, he may be at liberty to take out a cowle only for ſuch part as he may wiſh to retain, leaving the reſt at the diſpoſal of Government; beſides this, the brab trees, thoſe that ſtands upon their batty ground, the produce of which trees goes to the ſircar, and not to them, they wiſh to receive in the manner the trees were given in Mr. Rivett's time to the oart fazendars. Theſe ryots, therefore, ſuggeſt, that if this indulgence, as herein prayed, is given to them, the ryots will then readily receive the deeds of property.

5. That if any cultivator is failed from his ſituation, the ſircar ſhould make him reaſonable advance of money, which muſt be recovered in three years without intereſt, by inſtalments, which will greatly ſave the cultivators.

6. That in the iſland of Salſette, the coolies who never goes to fiſh, but cultivating the land, and they obliges to pay angdenah, which is very heavy to them.

7. That the cooley and other caſt people, from Marratta country, came and reſided in this iſland, who do not pay any more to the ſircar than one rupee per each houſe, and making or cultivating Dhuntteys in the Hill, the produce of which never enough to maintain themſelves, however in regard to theſe people, the accompanying will ſhew your honour the particular of it, and beg your honour will be pleaſed to make neceſſary arrangement about them.

We reſpectfully ſolicit your honour will be pleaſed to take the premiſes of the aforeſaid articles into your ſerious conſideration, and give the redreſs as your honour (is a father and mother to the ryots) wiſhing to promote their poor ſituation, which obliged them to ſubmit this petition. In granting the aforeſaid redreſs, it will keep the ryot in a happy ſituation; and pray Almighty for your health and happineſs.

The above petition is ſigned (the original) by upwards of 100 of the principal inhabitants for themſelves, and the other inhabitants of the iſland.

(Signed) R. RICKARDS.

TRANSLATE of a PETITION from the Patel and Mattaras, and Ryots, on the Iſland of Salſette; dated 11 Auguſt 1807.

A. C.

1. Reſpecting that the thieves and their ſirdars, inhabitants of continent country, came over one after another, and took their abode in this iſland, as alſo in Bombay, and ſhewing the appearance of their being maintaining themſelves by work, but they became qualified with the ſituation of the ſeveral character, people reſiding in this iſland, as well as with the rule of juſtice of the Britiſh Government.

2. That on the laſt dry ſeaſon, in the ſeveral villages, theſe thieves having plundered four or five houſes, and by flogging the people of the houſes, carried away ready caſh and jewels whatever they had, but they never touched for any cloths or copper ware, for the fear of being hereafter found; as the rule of the Britiſh juſtice is, that no enquiry were making into the funds thus robbed by the thieves, as alſo heretofore they might have plundered, conſequently

quently the booty they acquires is safely remains for the use of their family; and in case if the ryots run after the said robbers in order to catch them, and they by their turn happen to murder them, as they sure themselves that they have no fear for their soul; on the contrary, the ryots if happened to kill the thieves, the justice takes pain to examine into the matter; yet if the thieves were caught by the ryots, the justice asks evidences on their part, still if satisfactorily proved the fact, in such case they, the robbers, don't meet with proper repriment. Thus the rule is with the justice, with which they, the robbers, became well known themselves, and have already plundered several houses, and we sure ourselves they will still continue in the same manner.

Sic. Orig.

3. In short, if any person's house is robbed, he and the village people for his help, takes great pain to find out the thieves, with hope that if they were caught, must be properly punished; but agreeably to the rule of the justice, the aforesaid trouble shews no effect, but increases the animosity and fear of the thieves, as we are well known with their conduct, for their friends and children even will endeavour to take the revenge by soul, wherefore no person shall or will offer help one to another hereafter.

4. Thus, Sir, is the perplexity under which these Petitioners labour; moreover, these Petitioners are inhabitants of this island from their forefathers, and the estate they possesses as houses, oarts, senotore, &c. &c. is appears now to them no more than poison, owing to the aforesaid job of the thieves; there is not any sort of prejudice or hurt to these ryots, excepted this of the thieves, in the British Government, consequently they have thus submitted their petition to your honours favourable decision, (being your honour is a father and protector of the ryots), and they in the mean time request, that according to the villages the number of garrison sepoy with arms, is to be allowed, in order that in conjunction of them, the ryots of each village will watch three times in the course of a night, and by that means they will save their lives.

5. The sircar never derive any much revenue from those robber people, consequently these petitioners request, that they, the robbers, should be banished from this island to their own, by which the ryots will remain quiet and happy, otherwise these ryots will oblige to quit their former place, and live where they will observe safe for them. It appears to these petitioners, that as soon as they quitted the place, the remainder poor ryots never will remain on the spot without them; consequently we respectfully beg your honour will be pleased to consider the premises of this petition, and make happy to the ryots. If your honour could not give decision on the subject, in such case, this petition please to refer for the favourable decision of the honourable the Governor in Council.

Original signed by upwards of 150 of the principal inhabitants, for themselves and the other inhabitants of the island.

True Copy of the Translation.

(Signed) R. RICKARDS.

The Humble PETITION of the undersigned Inhabitants of Caranjah.

Sheweth,

That your petitioners, with the greatest respect and humble submission, beg the liberty to represent their case. That the deeds of property proposed by the honourable the Governor in Council to be granted to the cultivators of land, your petitioners are willing to take, provided the following alterations be made therein, instead of the term of ten year already mentioned, by which your goodness shall be acknowledged by them and their families for ever.

Article 1. That in the deeds of property, the particulars of the toka of the ground on their titles in the collector's records, is to be specified in batty, and money revenue, at the present rate; and that these different taxes be made one, and fixed for ever payable to the sircar annually, the net amount in money; and which may be commuted as a tax on their houses, and the same be registered in some of the public offices; but your petitioners first request to be considered.

Article 2. That the tax of rupees 12, on a beggah of baggayet, or garden ground, levied on this island, is a very heavy one; and in Salsette they only collect it at 9 rupees per beggah on the similar ground, agreeably to which they request the rate to be at Caranjah.

Article 3. That ever since the introduction of new system on this island, your petitioners, deprived of their right of a rent of two annas per each brab trees, formerly they used to recover from the bhandaries or the drawers of the toddy upon every tree stands on the ground of which the cultivators are paying to the sircar a tax by beggah measurement; therefore they, requesting either to adopt the same custom here as in such cases practicable in Salsette, or to be continued an ancient custom prevalent among the bhandaries, that they used to pay a tax of six annas on every tree to the sircar, exclusive of the two annas rent to the possessors of the grounds.

Article 4. That the petitioners cultivating beetle leaves in their gardens, which they send to Bombay for sale, of which they pay customs to the sircar, both at Caranjah and Bombay; it may be therefore exacted at one of the places simply.

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Sic. Orig.

Article 5. That the price of tobacco at Caranja is fixed at the rate of rupees 6. 1. 60. per maund, and in Salsette at five rupees per maund; therefore you will be pleased to reduce the price of it at Caranja, agreeably to that of Salsette.

Article 6. That some years ago some of the cultivators absconded, who indebted to the sircar for certain revenues, in consequence of which an order was issued by the sircar, that the heirs of such persons absconded to make good the revenue to the sircar, and take in their possession the grounds cultivated by the emigrants, which accordingly been done; but those that left no heirs, the judge and the collector compelled the patells to make good the balances due by those that quitted this island, and ordered to make over to them the grounds held in their title, which orders are not yet put into execution; therefore your petitioners beg that the said ground will be transferred on their title in the collector's books.

Article 7. That the villages of Seven and Navern suffer a great hardship on paying the former toka on their high lands, which ought to be put on the same footing as the other different villages on this island, conformably to the new system introduced here.

And your petitioners, as in duty bound, shall ever pray.

(Signed) *I. Nellojer Patett,* and Seventeen more.

Caranja, 15 August 1807.

(True Copy) (Signed) R. RICKARDS.

EXTRACT from Townsend's Travels in Spain, on the subject of Irrigation.

The country in the vicinity of Alicant is wild and broken; the mountains are lofty, rugged, bare, and little susceptible of cultivation; the vallies are mostly small, but remarkably fertile; the soil is sandy, with beds of clay and marle. The rock in general is calcarious; the city is partly fed by a valley to the north, and by the Huerta, a rich and extensive valley, but chiefly by the vale of Murcia. The carriers bring wheat, and load back with fish.

The Huerta is watered from a vast reservoir, called Pantano, constructed in the mountains, at the distance of above five leagues from Alicant. The governor had the goodness to carry me in his coach to view this artificial lake, formed between two high mountains by a wall, the dimensions of which, reduced to English feet, are as follow: one hundred and forty-seven high; two hundred and sixty-two wide at top, from mountain to mountain, and not more than twenty-four at bottom; the thickness of the wall is sixty-seven feet at top, and one hundred and twenty-one at bottom. It is very properly made miptual to sustain the lateral pressure of the water, but had the thickness of the wall been only seven feet at top instead of sixty-seven, there would have been more than sufficient, because the æra of any surface being given, the pressure of fluids on that surface is in proportion to its depth. The depth being given, it matters not whether the quantity of water be one acre or ten thousand acres, for the same expense they might have constructed many such reservoirs, one below the other; but when we consider the age in which this was made (A. D. 1542) we are not surprized to see so much labour lost.

When the stream comes near the Huerta, it is separated into four by the administrator, and each proprietor of land receives, or should receive, the quantity allotted to him, in proportion to his land, paying for this the stipulated price. To prevent violence and fraud A. D. 1739, the King, by his royal edict, established sixty-two regulations for the distribution of this water, and appointed a special court to enforce these regulations; yet notwithstanding, either through ignorance of hydrostatics in the managers, through their negligence, or through the influence of bribes, many obtained more than their just proportion, and others are left to murmur and complain. It is to be lamented that government does not construct more Pantano. The farmers in the Huerta could dispose of five times as much as they receive at present, and were the whole interval between the mountains occupied with reservoirs, they might all be filled. This Pantano, although vast, has been replenished by four hours rain.

Independent of the produce in all kinds of grain and herbage, Government derives a direct revenue of near two thousand pounds a year by the distribution of this water.

The rock is a fine limestone, covering schist; and as the country produces pines, juniper, and coscoja in abundance; fuel for burning lime is on the spot; so that the expense of constructing reservoirs would not be great. After having examined the Pantano, I visited, on the succeeding days, the Huerta, to get acquainted with the agriculture of that reak, well planted, and well watered valley. *Orig.*

Going eastward from the city, having ascended gradually for about a mile, you look down upon a wide expanse of nearly thirty thousand acres, every where inclosed by lofty mountains, excepting towards the sea, and covered with oranges, lemons, figs, mulberries, almonds, cherries, apricots, peaches, nectarines, plumbs, apples, pears, pomegranates, olives, alganobos, the more humble yet not less profitable vine, and the liquorice, with every species of grain, of liguminous plants, and of herbage for the cattle.

This vale is said to contain more than twenty thousand persons, and I can readily believe it; for wherever you pass, you see old and young men, women and children innumerable, all

all buſily employed, ploughing, ſowing, reaping, treading out the grain with cattle, winnowing the corn, or conveying it to granaries, hoeing in the vineyards, diſtributing water to their crops, or digging their lands, and preparing it for freſh productions.

When I viſited this delightful vale, they had reaped their barley, and were engaged in treading it with mules. To theſe they added carts drawn backwards on the area, for the purpoſe of ſeparating the grain, and of cutting the ſtraw for fodder. Others were employed to wind off ſilk from the cones; their reel is five feet wide, and receives ſix compound threads, from thirty, thirty-ſix, or from forty-two cones, which ſwim in a furnace of boiling water; theſe threads are made to traverſe on the reels, that they may not agglutinate together.

I was much pleaſed with the reticulated fences round moſt of the little farms, compoſed of reeds in pairs, croſſing each other like a lattice frame, yet ſo as to form, not rectangles, but lozenges or rhomboidal figures, with the reeds not interwoven, but bound together by eſparto threads.

Every part of the Huerta is refreſhed with water once in fifteen days, during the ſummer; but in winter it may go three weeks or a month unwatered. Beside the refreſhing ſtream derived from the Pantano, they have ſome norias, the moſt remarkable of which, belonging to Mr. Arabit, is worked by wind, and raiſes the water forty feet.

The land never reſts; for no ſooner has it rewarded the farmer with one crop, than he begins to prepare it for another: In September he ſows barley, and having reaped it about the latter end of April, or the firſt week in May, he immediately puts in maize, which comes off about the middle of September; but before this ripens, he puts in Landias (the cucurbeta of Linnæus,) or ſome other eſculent, which yields him a third crop in the courſe of the ſame year. In November he ſows wheat, and in June he reaps; the produce both of wheat and barley is from fifteen to twenty-four for one, having ſowed of the former nearly two buſhels to an acre, of the latter between three and four. Flax is put into the ground about September, or the beginning of October, and comes off in May; but hemp, which is ſowed in April, continues on the land till Auguſt. Theſe, with cucumbers, melons, garbawzos (cicer artiſtinum,) peas, French beans, lettuce, alfalfa (medeiago ſaliva,) form a rich variety of crops, which, cheriſhed by a bright ſun, and fed by abundant ſtreams from the Pantano, prove a never failing ſource of plenty.

In the ſpring they abound with oranges and lemons; in ſummer they have plums, cherries, figs, apricots, and nectarines; in autumn they gather grapes; and in winter a rich variety of fruits ſupplies their tables. Thus Ceres and Pomona appear to be engaged in a never ceaſing conteſt, which ſhall moſt contribute to the wealth and proſperity of this favoured Valley.

One of the moſt valuable productions of this country is the barilla. For this they plough their land four or five times, dung it well, and then, having turned the earth twice more, they make it ſmooth with boards inſtead of harrows, and ſow their ſeed in the months of January and February, waiting always for wet weather.

(True Extract.) (Signed) R. RICKARDS.

EXTRACT from Niebuhr's Deſcription de L'Arabie.—Quart. Ed. page 240.

" Mareb eſt encore actuellement la principale ville de Dsjôf. Elle est á 16 lieues d'Allem. à l'eſt-nord-eſt de Sanà, & ne conſiſte qu'en 300 maiſons chétives; cependant elle a une muraille & trois portes. On prétend y avoir trouvé quelques ruines d'un palais de la reine Balkis, mais aucune inſcription; ainſi elles ne valent peut-être pas la peine d'être vues. Le Seigneur qui y reſide ſe donnoit en 1763 le titre de Scherif Mahammedibn Achmedibn Alojibn Khâletibn Hoſſejnibn Mahammedibn Nâſribn Mahammedibn Achmed; il étoit de la famille d'Abutáleb; hors de Mareb il ne poſſedoit que Höſnabrâd, Sahher & quelques autres petits villages. J'ai beaucoup entendu parler en Arabie du grand reſervoir de Sabéens, que les Arabes nomment Sitte Mareb, mais perſonne ne m'en donna des notions plus ſûres qu'un homme de Mareb tres conſideré, qui y étoit né & y demuroit. Il me décrivoit le reſervoir ancien comme une vallée entre deux chaines de montagnes, qui avoit preſque une journée en longeur (5 lieues d' Allem.) Dans cette vallée ſe réuniſſent ſix ou ſept petites rivières qui coulent de l'oueſt & du ſud, & qui viennent en partie du domaine de l'Imân; quelques-unes ſont poiſſonneuſes & ont de l'eau toute l'année. Ces deux chaines de montagnes qui renferment cette vallée de deux côtés s'approchent ſi pres l'une de l'autre á l'eſt, que l'on peut en paſſer l'entervalle dans 5 à 6 minutes. On diſoit, que cette ouverture avoit été fermée par une épaiſſe muraille, pour retenir l'eau ſuperflue pendant & apres les pluyes, & ſelon l'opinion de cet Arabe, pour la diſtribuer dans les champs & dans les jardins qui ſont à l'eſt & au nord, par trois portes pratiquees l'une ſur l'autre. La muraille avoit 40 à 50 pieds de hauteur, elle étoit bâtie de fort grands pierres de taille, & il en reſte encore des ruines des deux côtés. Mais elle ne retient plus l'eau qui s'écoule d'abord dans la plaine, & qui, ſuivant le plus ou le moins de pluyes, ſe perd à longue ou à courte diſtance dans les ſables & les champs voiſins.

" Ainſi le grand reſervoir près de Mareb, n' avoit rien de merveilleux. Ailleurs & meme en Yemen, ou il ne pleut que dans une ſaiſon fixe, on ménage ſoigneuſement l'eau, mais ces

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reſervoirs ſont petits auprès de celui-ci. Que de contrées par example en Egypte & dans la Paleſtine, autrefois tres cultivée, á preſent deſertes fautes de canaux & de reſervoirs! Toute comme un ſage adminiſtration a rendu fertiles beaucoup de bonnes terres, auxquelles il ne manquoit que de l'eau. Ces mêmes terres ſont redevenues deſertes dés que le gouvernement a changé, & ſurtout depuis qu'il n'y a plus eu d'union entre les habitans. Il ſeroit donc tres-poſſible par la nature du terroir, & auſſi profitable aux habitans, de retablir la muraille Sitte Mareb pour contenir l'eau, qu'il leur fut autrefois poſſible & utile de la faire conſtruire. Mais Mariaba étoit la réſidence d'un Roi, qui regnoit ſur une grande partie de l' Yemen & de l' Hadramant; & à Mareb il n'y a aujourd'hui qu'un pauvre Scherif, qui outre cette ville ne poſſéde que quelques villages, & qui, loin de relever une ſi grande muraille, peut à peine défendre ſon pays contres ſes voiſins (94 Queſt. de Mons. Michaelis.) Les reſervoirs qui fourniſſent l'eau à Conſtantinople, ſont conſtruits comme l'étoit celui de Mareb. Mais bien qu'ils ſoient de beaucoup plus petits, ils ont été bâtis par de grands Empereurs, comme ils ſont encore entretenus par les Sultans; non que les dépenſes excedederoient les forces des ſujets, mais á cauſe du peu d'ordre qui règne parmi eux, & parceque les orientaux mettent entre les devoirs du Prince le ſoin d'entreprendre, ou d'entretenir ces ſortes d'ouvrages publics. Lorſque cette digne des Sabéens fut rompue, Mareb n'etoit peut-être plus la reſidence dú Prince, peut-être même ce royaume autrefois ſi puiſſant etoit il diviſée en pluſieurs ſeigneuries. Il ne faut après cela point s'étonner, ſi ces ouvrages ſuperbes n'ont pas été continués, ou ſi l'on ne les a pas rétabli."

True Extract. (Signed) R. RICKARDS.

EXTRACT from Arthur Young's Travels, &c. Vol. 2. on the ſubject of Irrigation.

The celebrated Arthur Young, in the above-mentioned work, ſpeaks frequently of the great advantages of irrigation in agriculture.

In that of Lombardy he deſcribes the irrigation of the Milaneſe, by means of reſervoirs, canals, &c. as "perhaps the greateſt exertion of the kind that ever was in the world." The whole deſcription being too long to copy, a few extracts may ſuffice.

"Their greateſt exertions were in irrigation, which was ſo well known, that they ſold their "ſuperfluous water, transferring the uſe and property of ſome, by the hour, day, and week."

"There are authors who have aſſerted, that agriculture is improved in conſequence of great "trade or manufactures only; but the inſtance of the immenſe irrigation in the Milaneſe, "effected by theſe and many other canals, too numerous to mention, will not allow of ſuch a "concluſion being general; and to ſhew that my opinion is not without foundation, a very "brief review of the ſtate of Milan, as far as it reſpects theſe periods, will not be diſpleaſing "to a reflecting reader."

After this review, too tedious to enter, he concludes as follows:

"The concluſion of the whole ſeems fairly to be, that we are not to attribute the irrigation "of the country to wealth derived from foreign commerce; the fertility and excellent "management of the lands ſupported a great population, which proved as induſtrious as "public calamities and confuſions would allow; but it does not appear that this induſtry was "ever continued through a long ſeries of peace and happineſs."

"The ſame law, that has been ſo effectual in watering Piedmont, operates here alſo; and "has done even greater things; he who diſcovers a ſpring conducts it where he pleaſes, "paying a fixed compenſation for cutting through the properties of others; all rivers belong, "as in Piedmont, to the Sovereign, who ſells the waters to ſpeculators for the moſt beneficial "purpoſe of irrigation. In the diſtribution of it by ſale, they do not meaſure by the hour, as "in Piedmont, but by the ounce, 12 ounces are a bracido, or 22 inches; an ounce of water is "a ſtream that runs one bracico long, and one ounce deep; and the farther the water has "run, the higher is the price, as being more charged with manure."

"As an example of the beneficial influence of this law, I was ſhewn between Milan and "Pavia, a ſpring that was diſcovered two miles from the lands of the diſcoverer, the proper-"ties of many perſons lying between him and the ſpring; he firſt bought the property of the "perſon in whoſe land it was ſituated, which was eaſily done, as it was too low to be there of "any uſe, then he conducted it by a trench at pleaſure, the two miles, paying the fixed price "for cutting through his neighbour's lands; and having gained it upon his own, *pre-"ſently changed poor hungry arable, into a very fine watered meadow.*"

"Near Milan a watered meadow ſells at 800 liv. the pertica (£.32. 15s. the Engliſh acre) "and the rent of ſuch is about 39 liv. (£1. 5s. the Engliſh acre); this muſt not however, be "claſſed high, for there are lands that riſe to 4,000 liv. (£.163. the Engliſh acre); in land at "800 liv. or 1,000 liv. water often makes half of the value, that is, the rent to the owner of "the land will be 15 liv. to 20 liv. and as much to ſome other perſon for the water."

"In viewing a great farm, ſix or ſeven miles from Milan, in the road to Pavia, I found "that all the watered meadow was mown four times; and that what was watered in winter, "prati di mercita, five times; ſuch is the value of water here, that this farm, which watered "is rented at 20 liv. the pertica, would not let at more than 6 liv. without water, the ſoil "being gravel. The irrigation of the mercita begins in October, and laſts till March, when "it is regulated like all other meadows. All in general begin in April, and laſt till Sep-

tember;

" tember; and if there be no rain, once in ſeven to fifteen days. An ounce of water running " continually from 24th of March to the 8th of September, is worth, and will ſell for 1,000 " liv. When arable crops want water, it is always given. At Cari, watered meadows are cut " thrice commonly, but in ſome ſeaſons four times."

LODI.

" I cannot but eſteem the twenty miles as affording one of the moſt curious and valuable " proſpects in the power of a farmer to view; we have ſome undertakings in England that " are meritorious, but they ſink to nothing in compariſon with theſe (meaning the canals, " &c. for irrigation in the duchy of Milan) great and truly noble works. It is one of the " rides which I wiſh thoſe to take, who think that every thing is to be ſeen in England."

" The meadows are commonly cut thrice, but the beſt four times; the produce of hay per " pertica 6 faſſi of 100 lbs. of 28 oz. at the three cuts. Price of the firſt 8 liv. per faſs; of " the ſecond 5 liv. of the third 4½ liv.; they water immediately after clearing, if there be no " rain. Without irrigation, the rent of the country in general would be only one-third of what " it is at preſent."

VERONA.

" The meadows here are cut thrice, and fed once; are never ploughed if good and well " watered. Water for irrigation here, as in all Lombardy, is meaſured with great care and " attention by what is called quadrata, which is a ſquare foot (the Verone foot is to the " Engliſh about as twenty are to twelve). Twelve quadrata are ſufficient to water five " hundred campi of rice grounds (about three hundred and eighty Engliſh acres); and the " price of ſuch a quantity of water is commonly about three thouſand zechine (£.1,425. " ſterling.) The wheels in this city for raiſing water for irrigating the gardens are very com- " plete; they receive the water as in Spain, into hollow fellies; there is one in the garden of " the Daniele Monaſtery, for watering about four campi, which are ſaid to yield a revenue of " three hundred zechin, which is one hundred zechin (of 95*s.* 6*d.*) per Engliſh acre, or " £.47. 10*s.* per acre—immenſe produce."

TURIN.

" The irrigation in all this vicinity is extenſive, and carried to great perfection. Water is " meaſured with as much accuracy as wine; an hour per week is ſold, and the fee ſimple " of the water is attended to, with the ſame ſolicitude as that of the land. Rich meadows, " without water, ſell for 1000 liv. and 1100 liv. a gianata; *and arable worth* 500 *liv.*, " *without water, is in many inſtances worth* 2000 *liv. with it.* During the winter, as the " meadows are commonly fed with ſheep, they do not water at all. Thoſe who have water " enough, let it on to their land once a week during the whole ſummer; but if the weather " is wet, once a fortnight, and a day or two before cutting, if the water is perfectly clear. " In regard to the quality of the water, they make no other diſtinction than that from " mountains being cold, and that of the Dora, near Turin, being charged with ſo much " ſand as to be bad. They attend to the cutting of weeds in the canals, that they may " rot; and ſome good managers harrow the bottoms in the ſpring, to foul the water, which " then acts more powerfully as a manure. Another practice, which tends alſo to prove " what excellent farmers they are, in all that reſpects meadow grounds, is that of paring " and burning, which they perform on pieces that have a bad herbage or want improvement, " but do not ſow them with corn, or any other plant, except hay-ſeeds, in order to renew " the graſs with no other interruption; it is impoſſible to praiſe ſuch practices too much; " they call this huſbandry, Motara."

" The power of effecting the great works in irrigation, which are viſible over this whole " country, depends very much on the law, which ſuppoſes the right and property of all " rivers to be veſted in the King; conſequently all canals taken from them, are bought of " him; and this enſures another regulation, which is the power of carrying the water, " when bought, at the pleaſure of thoſe who buy it, where they think fit; they cannot, " however, cut acroſs any man's ground, without paying him for the land and the damage; " but the law does this by regulations known to every one, and no individual is allowed a " negative upon a meaſure which is for the general good. The purchaſers of water from " the King are uſually conſiderable land owners, or communities, that have lands wanting " water; and it is of no conſequence at what diſtance theſe lands may be from the river " whence the water is taken, as they have a right to conduct it where they chooſe, provided " they do not cut through a garden or pleaſure ground; nor can they carry the water under " that of others whoſe canals are already made, as they might in that caſe deprive them of " a part of their water; they are obliged to throw aqueducts over ſuch canals. The benefit " of water is ſo great and well underſtood, that nobody ever thinks of making objections; " and in caſe their lands are not already watered, it is no ſmall advantage to have a new " canal brought through them, as they have the opportunity of buying water of the pro- " prietors. It is ſold per hour, per week, and even half an hour, and down to a quarter; " the common price of an hour per week, for ever, is 1500 liv."

Mr. Young has many more remarks on the advantages of Irrigation, and in ſeveral parts of Lombardy compares the value of watered with that of unwatered land, the reſult being

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every where ſimilar to thoſe above given. After a long diſſertation on the commerce of Lombardy, he cloſes with the following pertinent obſervations:

Page 282. "There is but one concluſion to be drawn from this detail of the commerce of "Lombardy, viz. that eighteen-twentieths of it conſiſt in the export of the produce of "agriculture, and therefore ought rather to be eſteemed a branch of that art, than of "commerce, according to modern ideas; and it is equally worthy of notice, that thus "ſubſiſting by agriculture, and importing manufactures, theſe countries muſt be ranked "among the moſt flouriſhing in the world, abounding with large and magnificent towns, "decorated in a manner that ſets all compariſon at defiance. The country every where "cut by canals of navigation or irrigation, many of the roads ſplendid, an immenſe popu-"lation, and ſuch public avenues, that if Italy were united under one head, ſhe would be "claſſed among the firſt powers in Europe.

"When it is conſidered that all this has been effected generally under governments not "the beſt in Europe; when we further reflect, that England has for a century enjoyed the "beſt government that exiſts; we ſhall be forced to confeſs perhaps, with aſtoniſhment, that "Great Britain has not made conſiderable advances in agriculture, and in the cultivation "of her territory. The waſtes of the three kingdoms are enormous, and far exceeding in "proportional extent all that are to be found in Italy; while of our cultivated diſtricts, there "are but a few provinces remarkable for their improvements. Whoever has viewed Italy with "any degree of attention, muſt admit, that if a proportion of her territory containing "as many people as the three Britiſh kingdoms, had for a century enjoyed as free a govern-"ment, giving attention to what has been a principal object, viz. agriculture, inſtead of "trade and manufacture, they would at this time have made almoſt every acre of their "country a fertile garden, and would have been in every reſpect a greater, richer, and more "flouriſhing people than we can poſſibly pretend to be. What they have done under their "preſent governments, juſtifies this aſſertion; we, bleſſed with liberty, have little to exhibit "of ſuperiority.

Vide Sir John Sinclair's Hiſtory of the Public Revenue, Vol. 2, p. 98.

"What a waſte of time, to have ſquandered a century of freedom, and laviſhed a thouſand "million ſterling of public money, in queſtions of commerce! He who conſiders the rich "inheritance of a hundred years of liberty, and the magnitude of thoſe national improve-"ments which ſuch immenſe ſums would have effected, will be inclined to do more than "queſtion the propriety of the political ſyſtem which has been adopted by the legiſlature "of this kingdom, that, in the boſom of freedom, and commanding ſuch ſums, has not in "the agriculture of any part of her dominions, any thing to preſent, which marks ſuch "expenſe or ſuch exertion, as the irrigation of Piedmont and the Milaneſe."

In treating of the ſame ſubject in Spain, Mr. Young has the following further intereſting remarks:

"Every time we ſee any irrigation, we are ſtruck more and more with the importance "of water, *even on ſoils which are apparently mere rock; and on the moſt arid deſerts it gives "at once the utmoſt luxuriance of vegetation.*

"A journal, which is here alſo about an Engliſh acre, of rich land in the vale, not watered, "ſells for 500 liv.; watered, for 1,000 liv.

Page 324. "Leaving Barcelona, enter immediately on extraordinary ſcenes of watered "cultivation, and which muſt have given the general reputation to the province. Nothing "can well be finer; the crops in perpetual ſucceſſion, and the attention given to their "culture, great; not the idea of a fallow, but the moment one crop is off, ſome other imme-"diately ſown. A great deal of lucern, which is cut four, five, ſix and even ſeven times in a "year, all broad-caſt, and exceedingly thick and fine, from two and a half to three feet high "when cut; it is all watered every eight days. Advancing, the irrigated lands let from "24 to 40 Spaniſh livres, that not irrigated at 15 livres; water therefore, here, *more than "doubles the rent of the land*; and in other places we have found the difference yet "greater.

"Land near canals, well watered, ſells for 100 Spaniſh livres the journal; vineyards for "300 livres; they give in good years to 12 charges. Unwatered land 100 to 150 livres.

"Enter a flat vale, half a mile broad, not watered, hemp very poor; maize ſeven feet "high; vineyards under regular plantations of olives; corn cut in ſtocks, and the land "ploughed; a journal ſells for 200 livres, and further on, when irrigated, for 1,000 livres, "which is an aſtoniſhing difference."

Page 327. "While the mountains and waſte parts of the province preſent an unfavour-"able proſpect, the watered diſtricts are, on the contrary, ſcenes of moſt exuberant fertility. "To a perſon from the north of Europe there can hardly be a more ſtriking ſpectacle than "the effect of watering in theſe ſouthern climates; *it converts an arid ſtoney waſte, which "would yield nothing but vines and olives*, on which every ſort of grain would hardly return "the ſeed, at once into fields pregnant with the richeſt harveſts; on ſuch ſoil it gives "almoſt the whole value of the land; and on the richeſt it raiſes it at the leaſt "double, and in ſome inſtances five times; it enables the cultivator to have a ſucceſſion "of crops, more important than any thing we know in the North. The reaping one crop "is but the ſignal for immediately putting in another, in doing which they exert "themſelves with the utmoſt activity, ploughing univerſally as ſoon as the corn is cut,

"and

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" and are by this enabled to have conſtantly two crops a year. The extreme fertility of " theſe lands has, however, led many travellers into great or ignorant exaggerations; they " have aſſerted, that the land yields many crops at the ſame time, one under another, which " is both true and falſe; it is a fact, that corn, wine, oil, and ſilk, are produced by the ſame " field, in ſome few inſtances; but it is not from hence to be concluded that the goodneſs of " the land, or the importance of irrigation, is at all ſhown by that circumſtance. The fact " is, that it is impoſſible to raiſe one crop under another, without loſing in one nearly as " much as you gain in the other; the olive being a large tree, cultivation may be carried on " under it; but the crop gained is poor, and ſhows, that exactly in proportion to the ſhade, " is the injury ſuſtained by the produce which is ſhaded. If the trees are thick the corn " is hardly worth reaping; it is the ſame in other caſes; and I was well convinced, from " reviewing their grounds with this deſign, that the ſoil can carry, profitably, but one crop " at a time; ſeveral may be crowded on it, but nothing is gained: with graſs under trees, " this is not ſo much the caſe in a hot climate; but even graſs is damaged; and it is not the " queſtion at preſent, as they have none; a country to be ſupported, and in a hot climate, " without meadows or paſtures, ſounds very ſtrange to Engliſh ears, and it is among " the curious circumſtances of these parts, and I am told of the reſt of Spain, if they applied " to graſs the land that is proper for it, they could not poſſibly have bread to eat; ſtraw " here is given inſtead of hay, and entirely ſupplies its place; and the oxen and mules " which we ſaw, did not ſhow in the leaſt, by their looks, any deficiency in nouriſhment. " Lucerne is not at all common through the interior parts of the province, and where they " cultivate it, it is uſed green. Maize is ſometimes ſown merely for its herbage, as it might " be, I believe profitably in England, late in the Spring to avoid our froſts; it is one of the " moſt nouriſhing plants in the world.

" The conſequence of water being ſo apparent in the province, I could not but attend " particularly to their exertions in conducting it, and I conclude that not one acre in twenty, " perhaps in forty, is watered, that might be in the flat vales, where canals of irrigation " are made at a ſmall expenſe, a very good though by no means a complete uſe is made of " them; but on the declivities of the mountains, it is neceſſary to erect a mound of ſolid " maſonry acroſs the river, and to cut the canal partly out of rocks, and to ſupport it by " walls of ſtone, as I have ſeen in France; and having thus diverted a large portion of the " water of a river, to carry it on its level along the ſide of the mountain, as far as it will go, " ſuch exertions demand a much greater capital than is to be found upon the lands of " Catalonia; it could be done only by a great lord, who knew the importance of ſuch under- " takings, who reſided on his eſtate, and whoſe income was ſpent in ſomething elſe than " the taſte and pleaſures of a capital. But leaving ſuch exertions to individuals, who either " have not the money, or not the will to employ it, is to perpetuate waſtes; it is the king " only who can make theſe efforts: a monarch, who ſhould be determined to improve his king- " dom, would preſently find the means of doing it; the importance of water is ſo well known, " that if a canal is made to conduct it, the proprietors or farmers of the lands below would " readily and ſpeedily make uſe of it, paying proportionably for the quantity they took; this is " the ſyſtem in Lombardy, and the effect is great; it would be the ſame in Catalonia, but the " capital for the great work of the canal muſt probably be ſupplied by the king; if not the " whole, at leaſt a conſiderable portion; ſuch money ſhould be lent to undertakers at a mo- " derate intereſt; exertions of ſuch a nature, with a proper general attention given to theſe " objects, would make them faſhionable among the great lords of the kingdom, and fertile " provinces would ſoon be created out of barren and deſolate waſtes. Arbitrary power has " been exerted for ages in efforts of barbarity, ignorance, and tyranny; it is time to ſee it " employed in works that have the good of mankind for their aim. A beginning, and a " very good one, is made in the conſtruction of ſome great roads, on a ſcale of true mag- " nificence, which is never exhibited with ſuch effect as in works of public utility; and " whenever the importance of cultivation is well underſtood in Spain, and the right means " of advancing it clearly analyzed, irrigation will then receive an attention that has not " hitherto been given; ſuch is the neceſſity of water for various productions in this climate, " that rivers ought to be no more than infinitely multiplied channels, and collected in one " ſtream only, as a reſervoir for freſh and repeated deviations.

(True Extracts) (Signed) R. RICKARDS."

No. 3. Further Remarks (7 July 1808) by Mr. Rickards, on Taxation and Revenue.

READ the following Minute from Mr. Rickards:

MINUTE.

IN a former essay, delivered to Government on the 24th September 1807, I attempted to develop certain principles connected with the permanent prosperity of social bodies and states, founded on the laws of natural order, and applicable to the circumstances of all civilized societies, in whatever clime or region.

Man, it has been shown, is of necessity a social being; he has abundant wants which others only can supply, and a greater interest in co-operating with his fellows in the common advantages of reciprocal aid, than in the selfish pursuit of exclusively supplying himself: the greater benefits and comforts arising out of this general labour for the use of others, extend the sources of individual industry; industry creates wealth, and wealth again re-acts upon industry by an increase of wants, and the liberal recompense of the labour which supplies them.

The wise ordinations of nature, therefore, cause the greatest comforts and happiness of every society to arise out of the greatest possible use and employment on account of each other:

"In age, in infancy, from others' aid
"Is all our hope—
"That, Nature's first, last lesson to mankind."

It is the union of humanity in one fraternal bond, an universal contribution of mutual assistance, flowing from want on the one hand and supply on the other, and which the positive institutions of human government ought similarly to regard and encourage, as the surest, if not only basis of national prosperity. In this natural order, labour and wealth, the poor and the rich, are equally dependant on, as they are equally and indispensably necessary to, each other; equality of condition, or even that approach to it observable in the greater part of India, is consequently incompatible with the growing prosperity of any civilized community, from being positively adverse to the course and effects of Nature's laws.

It follows then, that encouragement to the acquisition, and security to the enjoyment of wealth, should be fundamental maxims in the practice of enlightened states; but the only encouragement required is entire freedom; direction, interference, participation, are positive restraints, and according to the degree in which they are exercised, check the production of that superfluity or abundant wealth which I have already remarked to be the only natural fund for the increase of industry, the only natural channel for distributing the comforts, or increasing the enjoyments of life, among the laborious and industrious, *i. e.* the major part of every society, as it is also the only fund from whose progressive increase the Government can or ought to expect any increase of its own resources.

The superfluity or abundance above mentioned is most conspicuous in the existence of great capitalists, and the expenditure of wealthy proprietors; but in all flourishing communities, lesser portions of the same abundance are universally distributed; its aggregate amount being always proportioned to the freedom of acquisition, as the sum of national prosperity is to its general distribution and expenditure.*

It is evident that acquisition alone is not sufficient; for if, as in this country, wealth be hoarded when acquired, from inability to employ it advantageously, or buried from the dread of arbitrary power, it can neither operate in promoting the comforts or industry of the laborious orders, or constitute a productive source of supply to the exigencies of the state.

It must be spent, as well as gained, but its expenditure is also a natural propensity; the possession of wealth is, generally speaking, the possession of so many wants which crave to be supplied, and there should consequently be as little obstruction to its expenditure or employment, as restraint in its acquisition: by free expenditure, the distribution of wealth is enabled to reach the obscurest retreats of society; it then supports, comforts, or enriches all who have the industry or the talent to acquire it, and is most useful to individuals, and most productive to the state, when most generally and abundantly spread.

"Plus les hommes sont en etat de consommer, plus ils sont utiles.————Quand on "recoit gros, et depense gros, tout va bien."—(Phil. Rurale.)

Under the impression of these principles, my own mind has been long habituated to ascribe the backward state of all the Indian provinces I have seen, to the want of that wealth, to the very scanty number of the possessors of that abundance by which alone industry can be invigorated, and the comforts of the community at large, or the resources of the state, augmented. I shall confine my present remarks to this part of the subject: other parts may be better separately treated; but in the opinions either now or hereafter advanced, I trust I may not be suspected of designing to reflect either on particular persons or particular acts of our local administration: I solemnly disclaim the intention: the general object of the British Government in India has been, I admit, to promote the prosperity of its subjects; all I would argue is, that encouragement has been hitherto too sparing, or the means of administering it at times mistaken: let me also hope that the agitation of this important question will not be deemed an officious act of public duty, tempted to it, as I am, not by the

* If the institutions of Government have a tendency to restrain the spread of human wants, and consequently the demand for supply, can they be said to be promotive of the order of nature?

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the vain expectation of doing it that justice which its importance demands, but from the conscientious conviction that the mere discussion of economical principles applicable to our Indian territories, and their treatment in abler hands, may be productive of vast advantage, as well to the Company's interests in this quarter as to those of their numerous native subjects *.

Having already submitted it as my opinion, that our system of Indian taxation, alias a heavy consolidated land tax, is the prevailing cause of this universal poverty, I shall briefly recapitulate the general principles of that taxation, and after a few remarks, founded upon existing facts, leave to the decision of the candid how far this opinion may be justly founded; and whether any material progress can be made in the improvement of individual prosperity, or of financial resource, whilst the same system of taxation be persevered in.

In Guzerat the principle of half-produce is known, alias, a tax equal to an actual half of the actual produce of the soil; I beg leave to be understood however as speaking of the principle only, for I believe it is not generally, as indeed it never can be reduced to actual practice in any great extent of territory.

In Salsette the same principle formerly prevailed, taken from our Mahratta predecessors; but very laudably reduced by the Bombay Government to one-third of the actual produce.

In Malabar it was also attempted to be enforced, first by the Mahomedan, and afterwards by the British Government; though the attempt operated most oppressively in many instances, as the records of that province will show.

In the provinces subject to the Madras Government, we have again the same principle. Authentic statements procured from that presidency, give the following rates of assessment:

" The gross produce of an acre of paddy land* may be, for example - -	100
" From 10 to 12 per cent. is supposed to be deducted for reaping, cooly, &c.;	
" variety of small charges, say 10 per cent. however - - - - -	10
Remain	90

" Of this remaining produce the Government is sometimes entitled to 35, 40, 45, or 50 " per cent. according as custom has defined, under local circumstances, the right of the " ryots."

The Government share is commonly denominated the gross collections; and the permanent settlement at Madras is founded on these gross collections, or actual payments made into the public treasury on account of Government.

" From the gross collections, for an average of years, hereditary zemindars† have been " allowed one-third for charges, maintenance, profit; paying two-thirds to Government, " as a rent in perpetuity. Mootahdars, or those who purchase Government estates, or have " them bestowed on them, have, as before stated, a reduction of from 11 to 25 per cent. " made in their favour.

" When estates, from the recent repairs of tanks or other causes, are known to be susceptible of improvement, the reduction is small, viz. from 11 to 16 per cent.; but when " an estate is known to be fully cultivated, and to be capable of little or no improvement, " the deduction is greater, viz. from 20 to 25 per cent."

In the preceding statement, the gross collections constitute what may be termed in other countries the net produce of lands, or that portion which farmers or cultivators would be enabled to pay as net rent to their landlords. Of this net produce or rent, landlords, under the Permanent Settlement at Madras (with the exception, as above observed, of some few hereditary zemindars) are only allowed, it would seem, to retain from about one to two and a half-tenths, whilst the remainder, or from about nine to seven and a half-tenths, of that produce or rent, constitutes the Government tax.

In Bengal the Government tax is stated to have been originally calculated at ten-elevenths of the expected rents of estates,‡ leaving of course to the proprietors of such estates only one-eleventh. What pity these rates of division were not, in the first instance, reversed!

The principle of a tax of half-produce seems to have been in force in Bengal previous to the introduction of the Permanent Settlement. It is in fact the assumed basis of all our Indian land taxes; but even here, as elsewhere, the division of produce is stated to vary, and the cultivators to have been responsible for the payment, in some places, of one-half; in others, a fourth, two-fifths, &c.

Even

* " En effet quel danger peut-il y avoir d'agiter " et de discuter les matières économiques sous un " Gouvernement qui ne désire que le plus grand " bien? Que pourroit-on redouter de ces disputes " entre citoyens, et qu'en peut-il arriver qui ne " soit infiniment avantageux?"
Physiocratie, vol. 4. p. 45.

† " Paddy land is here taken, but all money " rents are founded on the right of Government " to a share in the produce. The share of Govern- " ment is less on dry grain than on wet grain, some- " times not more than 25 or 30."

† Some consideration having been allowed for their former manners and state.

‡ Vide Remarks on the Husbandry, &c. of Bengal, printed in Calcutta, 1804; re-printed in England, 1806.

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Even this variation is a proof that an actual half cannot be universally collected; and it also proves the inapplicability of a fixed rate of tax to a produce of indefinite diversity, independent of the other objections against it here intended to be advanced.

Whatever may be the actual local rates however of collection in different districts, arising out of the above-mentioned established principle, it is evident, and more especially from personal observation of the effect, that the land tax, added to the extortions of those who collect it, is universally exorbitant, and that the situation of the real cultivators is universally that of poverty and distress.* The division of produce leaves him a bare maintenance, Government absorbs the rest. It is consequently evident that no wealthy proprietors can, under such a system, arise out of the agricultural branch of the society; and that even commerce cannot open a very extensive field either to the acquisition or employment of capital, where the far major part of the population are wretchedly poor. It is in a few favoured or eligible spots only that commerce is accordingly found to prosper; the demand it has to supply being limited, its capital and the local employment thereof must be limited also; and it is still more injuriously restricted by the effectual exclusion of all its surplus from investiture in agricultural pursuits.

Encouragement to commerce, that is, a certain degree of freedom from restraint, and from heavy taxation, has therefore produced in India a partial and local accumulation of wealth, perhaps equally or nearly so, to what the impoverished state of the community at large is capable of yielding or supporting; but the possessors of it are comparatively few, in proportion to the very great population of which they are members; and the fatal obstruction to its employment in the purchase or improvement of land, presents us with the curious phenomenon of rich commercial towns situated in territory little better than a wilderness, or in a deplorable and wretched state of cultivation. The transition from the limits of mercantile wealth to the dreary bounds of agricultural poverty, is immediate, since the surplus wealth thus acquired is either hoarded, and therefore useless from want of expenditure, or it is less beneficially employed than the natural propensities of its possessors, and the best interests of society would naturally dictate.†

From what then can this proceed, but from our destructive system of heavy land taxation? Man naturally covets the possession of land, it is an innate principle which all the habits and wants of civilized life tend to strengthen and confirm; but in countries where half the produce of the soil is rated as the Government's share, there would seem to be no room for proprietors, rich or poor, either to enter or to arise; they are positively excluded by the operation of the tax, and of the tax alone Government itself takes the place of the class of proprietors, and by this impolitic act of power, supersedes all the benefits which they alone are

* In the work already quoted, the recompense of a cultivator, at half-produce, is stated to be positively worse than that of a common labourer in the cultivator's field at 2 annas per diem. Page 102.—The remarks throughout this work on the rates of taxation and division of produce, are very interesting and appropriate.

An accurate view of an Indian System of Revenue, is also given in the first part of Reg. I. 1808, of this Government; which, in addition to the division of half-produce, and other levies made by the Portuguese landlords from their tenants, sums up the aggregate of Mahratta taxes in the following words: "So that on the whole there were added by the Mahrattas to the former imposts (meaning the levies of the Portuguese landlords from their tenants) forty-six in money and twenty four in grain, several of which stand hereafter more particularly noticed;" and in a subsequent section these numerous levies are stated "unitedly to exceed in number 100 distinct heads of taxation," and mostly laid on the direct produce of land. The bare contemplation of this enormous list of taxes, is sufficient to account for the present deplorable state of Salsette, in despite of the better system introduced ten years ago by the present Government, and which was certainly a great and decided improvement of the Mahratta course of administration. In respect therefore to this island, whenever mentioned, I hope never to be understood as meaning to arraign the late measures adopted for its improvement; the principle of Mr. Camac's plan is good, and its effects, no doubt, must have been slowly and partially beneficial: all I would say in this respect, is what is now self-evident, that there has not yet been sufficient encouragement held out to draw to Salsette the overflowing surplus of the commercial wealth of Bombay, and I selected this spot for the experiment proposed to effect it in my former essay, from the advantage of its situation, and the opportunity it would afford to Government of personally witnessing its effects. The anticipated objects of the experiment, it will be remembered, are briefly these:—Permanency of tenure with removal of tax from the land, and its gradual diminution; consequent encouragement and success to agricultural pursuits—consequently the multiplication of wealth—consequently the improvement of our fiscal resources, and without the least risk of intermediate loss; a reduction of native establishments, the practicability of which is no longer speculative, but proved by actual experience: whence, not only immediate saving of expense, but a blessing to the inhabitants, as great perhaps as the reduction or removal of the consolidated heavy land tax. In short, the plan suggested, may be said to be rather an experimental improvement than a change of the system now in force: the same principles are recurred to as in 1798, only with greater encouragement to the employment and expenditure of wealth; all therefore that is proposed, according to the remarks thereon of a learned and distinguished critic, is only a larger dose of the same medicine, and which the patient may perhaps now be admitted to require. I am even authorized to add, that on the terms of the proposed plan, several natives of the first wealth and respectability in the settlement would immediately take waste lands on Salsette, and employ capital in their improvement. Might not this therefore be the best and most likely method of promoting the Court of Directors views in respect to the cultivation of hemp?

† Vide Appendix (A.) where the checks to commerce and manufactures, as supposed to arise out of our revenue system, are discussed more in detail than could conveniently be comprized within the limits of a note.

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are capable of distributing through the other ranks of life, and even cuts short the improvement of its own resources; since the revenue of the state must be necessarily limited by the wealth of its subjects; and taxation, under a system of confirmed poverty, be ever incapable of increase.

Although the principle of a tax at half-produce be very general in India, it may be difficult to state when and where it had its origin. It may, however, confidently be asserted, that it arose out of some violent overthrow of the natural order of societies, and is decidedly foreign to the ancient institutions of the Hindoos, under which, India is supposed to have long flourished; for, first, the erection of a class of landed proprietors, is according to the free course of nature's laws, as certain and evident a consequence of the cultivation of land, as the production of a plant from its seed. The more fortunate, the more strong, or the more industrious among the first cultivators, who were the first proprietors of the earth, would soon extend their possessions beyond their own individual means of tillage. Cultivation by tenantry would ensue; and land proprietors, properly so called, being thus established, would, in the ordinary progress of civilized society and population, naturally become more numerous, more extensive, and more wealthy. That these proprietors formerly existed, and perhaps universally in India, there cannot be the least doubt, it is equally certain that they must cease to exist where the ruling power would absorb all the produce of the soil beyond a bare maintenance to the wretched cultivators. That existence therefore must have been crushed at some later period, and landed proprietors swept away by the torrent of violence, from those countries where this principle of taxation was first enforced.*

Secondly, We are informed that the Mahabharata authorizes "the prince to levy a fifth "of the produce of mines, and a tenth of the corn." Menue and other legislators "authorize "the sovereign to exact a sixth, an eighth, or a twelfth of the grain, according to circum-"stances; and a sixth part of the clear annual increase of the trees†." The Institutes of Akber record, that former monarchies of Hindoostan exacted the sixth part of the produce of lands.‡ Under Akber the revenue was settled at a third of the average produce of lands; and in Mr. Grant's Observations on the Revenues of Bengal, the assessment is said to have been limited not to exceed in the whole a fourth of the actual produce of the soil.

In Malabar, we have the authority of the printed Report of the first Commissioners, a work distinguished for its useful and accurate information, to be assured that no land revenue was collected by its ancient princes;§ and that when expensive preparations become

* We have some pretty clear indications of this being the case in the history of the conduct of Hyder Ally and Tippoo Sultaun, towards the Poligars of Mysore and the Landholders of Bednore. (Vide Major Wilke's printed Report on Mysore, Fort William, 4th May 1805.)

† Husbandry, Bengal, page 61.

‡ Vide vol. 1. page 347.—The whole Section here referred to, "of tribute and taxes," is very interesting, and applicable to the present question: it states the rates in Tuckey, Iuran, and Iran, to be a sixth or fifth and a tenth of the produce, and gives a detailed account of the Akberian rates of collection from different descriptions of land. The subjoined account, taken from ancient Hindoo works of great repute, was furnished by a pundit in Bombay.

Translate of the coinscient of the twenty-fifth stanza, in section sixty-eight of the chapter Shantee Purua, a division of Mahabharat, written by Kiâs, which treats on the state policy, and wherein Bheestna tells Rajah Dhuram how much tribute a rajah should collect from his subjects. "One-sixth part of whatever the subjects will pro-"duce from their land, and the same to be applied "for their maintenance. Then whence shall the "rajah get money for his expenses?—I observe, "he is to receive one-sixth of the produce of land "from his subjects, after measuring the grains, "and no more; to levy fines on the offenders as "well as on those that become variously vicious, "and annoy others, or to conquer the kingdoms of "others by his own valour and thus gain wealth: "also, to collect customs from the merchants on "goods they import by ships, or on bullocks. "Through all these means he shall raise funds, "thereby to defray his charges and to protect his "subjects—not to become indolent himself in pur-"suing all these measures. The subjects also, with "willingness, are to pay the rajah's cess.

Nulcunt Bhat, son of Narayan Bhat, an author of a book, intituled, "Mayookh Darmashatra," or "Religious Institutions," in which he treats on the subject of policy, observes, "that the rajah "should show pride, and be compassionate, and "receive from his subjects, from year to year, one-"sixth part of the produce, and protect them: if "this be neglected, he shall be liable to share half "of whatever sins they may commit, because he "receives tribute from them."—Translate of the paraphrase of a stanza, the author called as inserted in the first chapter of a book written by him, intituled, "Raja Wounee (literally meaning, "Offspring of Maghoo)." "The rajah, for the "purpose of doing good to his subjects, shall collect "from them one-sixth of the produce." The author adds the following simily: "That the sun attracts "water, and pours down seasonably, a thousand "times more than the attracted quantity as the "people on the earth want; so the rajah, having "received a sixth part of the produce, ought to "expend a thousand times as much for the defence "of his subjects." Orig.

§ It is remarkable, that the practice of the Malabarians has in this respect a striking coincidence with a Jewish ordinance. The Malabar rajahs have from time immemorial possessed landed estates, from which to support the princely dignity; and, as noticed in the text, exacted no land tax from their subjects. In the divine commands, through Ezekiel, to the Jews, on their prophesied restoration to the land of their fathers, we find the following injunctions in respect to their princes, chap. xlv. verses 7 & 8: "And *a portion* (of the land) *shall be* for the "prince, &c. &c." (describing its situation and extent.)

"In the land shall be his possession in Israel: "and my princes shall no more oppress my "people; and *the rest of* the land shall they give to "the house of Israel according to their tribes."

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come necessary against apprehended invasion, they only exacted from the landholders a fifth of their produce. This information is the more valuable, as the aboriginal laws and customs of the Malabarians seem to have been preserved unimpaired from time immemorial, down to the subversion of their principalities and government in 1766, by the power of Hyder Ally, and must have had some reference at least to the established usages of surrounding countries.*

In Guzerat it is also ascertained that no such principle was in general force, up to the period of the Mahomedan Conquest; and that even after the introduction of the Mussulman power, the Grassia landholders successfully resisted, as they do to this day, the payment of any such tax; and,

In Salsette, authentic records are still extant to prove, that it was neither adopted by the Portuguese Government. A statement now in my possession, procured from the records at Goa, exhibits the whole of the land revenue derived from the island by that government as amounting only to 20,000 purdaws, or about 10,000 rupees per annum; whilst the lands were given up in undisturbed and undivided possession to individual proprietors, who thus became numerous, respectable, and wealthy.

If therefore the principle here discussed, shall be neither found to be sanctioned by the old legal institutions of the country, or by the natural established order of societies; and if violence, or the effects of despotic power, be its probable origin; it will I hope be allowed no claim to the privilege of being perpetuated in the civil institutions of a just and moderate government, merely because preceding conquerors had enforced it. Precedent, prejudice or prescription, the common motives of human actions, may very properly sanction in established practice what is right; may even justify what is indifferent, but can never excuse what a candid examination at the shrine of reason would prove to be decidedly wrong. Unconsciousness of evil may indeed be some excuse for errors from precedent; but to err with our eyes open is an unjustifiable aggravation of injury †.

That the principle of a tax of half-produce owes its origin to violence, to conquest, or the more gradual oppressive exercise of despotic power, is rendered still further probable from the circumstance of our having several traces of the division of half-produce being the rate adopted between landed proprietors and their tenantry or cultivators: we know it existed on Salsette, during the time of the Portuguese; it still appears to obtain in the Bengal provinces under the Permanent Settlement; it is probable therefore the principle may have been formerly more general; and on the annihilation, or expulsion of proprietors, it would be but natural for the despot who took their place, to appropriate also to himself their share in the produce of the soil. This was actually the case on Salsette, when the Mahrattas took the island from the Portuguese. The conquerors adopting the principle of a tax at half-produce (which was before this the landholders share only, not that of the displaced Government) the class of proprietors soon disappeared, and in Malabar (independent of the violent expulsion of the whole class of landholders by the Mahomedan power) many instances came within my own personal knowledge, of landed proprietors, after their return under our Government, abandoning their estates to their farmers, desiring them to be responsible for the required revenue, in consequence of our local officers having been enabled partially to enforce the same tax.

But the rate of division between proprietors and their tenants, is a very fallacious ground of assumption in behalf of a Government tax, since the rent of an estate paid to a landlord, and a land revenue paid to a government, are entirely and essentially different both in their nature and effects; for,

First, Every contribution to a government is a gratuitous payment, whence the contributors of a tax give so much of their money for nothing; the payment of revenue therefore is in the first instance a dead loss to the contributors.

But

Chap. xlvi. v. 18. "Moreover the prince shall "not take of the people's inheritance by oppres- "sion, to thrust them out of their possession; *but* "he shall give his sons inheritance out of his own "possession: that my people be not scattered every "man from his possession."

It would seem from this latter verse, too, that the prophet clearly foresaw both the advantage and absolute necessity of restricting the prince and his posterity to their own prescribed inheritance, lest the scattering of the people from their possessions, should be, as he well knew, the infallible consequence of the sovereign becoming general or universal proprietor of the soil; and as is so clearly exemplified in most of the modern Governments of India.

* In Travancore, Canara, Coorg, Bednore and Bullum, we have at this day recorded knowledge of the existence of the same individual right of property in the soil, as in Malabar; and probably the same usage formerly prevailed in respect to taxation, though there is always this difference between the two; viz. that the right of property is more likely to be permanent, being only tangible under great revolutions, whereas the rates of taxation may be ever varying, according to the necessities of the prince.

† "Il y a des préjuges" (says the eulogist of Descartes, in allusion to this very subject, the then rising science of physiocracy) "non moins puissans "qu'universels, et il y a des coutumes et des "opinions funestes, et qui n'ont cessé de paroître "telles que par l'empire d'habitude. Les hommes "réfléchissent si peu, qu'un mal qui se fait depuis "cent ans leurs paroît presque un bien."

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But the payment of rent is a contribution for actual value received, it is the return in value for the use or loan of a valuable property; or it is the interest of a capital sum either paid in the original purchase, or subsequent improvement of an estate, and which sum has been actually sent abroad, or distributed in promoting the comfort, the industry, and the wealth of the society at large.

Secondly, The aggregate amount of revenue is chiefly divided into small stipends or salaries, the expenditure of which has very little influence on the industry, and consequently on the comforts and wealth of the society. Of those deriving large salaries, from which they still only accumulate fortunes in a long series of years: few or none remain to expend them in this country.

But the aggregate amount of rent contributes immediately to the elevation of a class of wealthy proprietors in the state, whose expenditure, as has been already repeatedly shown, is the only natural means of stimulating general industry, and of promoting the general wealth and comforts of the society.

Thirdly, The amount of revenue is often expended on purposes foreign to the promotion of industry, and at a distance from the place of its collection; not unfrequently, in foreign and even inimical countries.

But the rent of resident landed proprietors is always expended in the promotion of individual and domestic industry, and chiefly on the spot.

Fourthly, Proprietors and their tenantry are left to a reciprocal view of their own interests in arranging their respective terms of tenure. In the natural order of things, both the one and the other would of necessity be equally consulted.

But the division of produce between a Government and its cultivators, must as necessarily be almost always arbitrary; whence we find the interests of one party only considered, and those of the other almost wholly neglected.

Fifthly, The local experience of resident landed proprietors, and their own private interests, naturally suggest the most advisable measures for improving the produce of their estates, which is most effectually accomplished by improving the condition and resources of their farmers; and the natural impulses of humanity establish an intercourse of kindness and assistance between a lord and his dependants, which the latter can never experience or expect from personal intercourse with a government. Its local officers have no interest in local improvements, but a manifest one in local exactions for their own benefit: in the first case, the interest of the proprietors and tenant are co-operative to the same useful end, and the public good is promoted; in the latter case, the interests of the local officer and tenant are decidedly at variance, and the public good is effectually frustrated.

In short, it would seem to be impossible for a government in any way to occupy lands to any useful end; both the possession and the cultivation of the soil is the exclusive business of subjects, and should be surrendered to them, unrestrained interference on the part of the prince, is an infringement on their rights, their privileges, and their duties: in India it has even extinguished a class in the order of society, without which no society can materially improve*: it is foreign to the object of protection; a clear violation of the order of nature; and we need be no longer surprised at its militating no less against individual prosperity, than against the amelioration, when required, of the resources of the state.

Under the Permanent Settlement (I speak with deference to the distinguished and acknowledged abilities of its authors,) the case does not appear to me to be much altered; the lands are divided into private estates, and of the former gross collections, or of the Government's share of produce, an eleventh, a tenth, or some other minute portion, is either given up, or sold to a proprietor: on this principle no proprietor can be rich, without possessing an estate equal to a principality in extent. Those who have estates only suited to their own capacity of superintendence and controul, must still be poor, and poor proprietors can neither improve present cultivation or extend it to the waste lands of their estates, the more especially if the demand for produce be already fully supplied. The miserable modicum of a proprietor's share, will naturally drive him to seek the improvement of his own circumstances, by trenching on the portion or rights of his helpless cultivators; the proprietor may often be a harsher task-master to his tenant than even the local officer of Government; his object will be to gain the utmost farthing from his estates, that of the tenant to oppose it: there can here be no communion of interest, or any thing better than the cunning of weakness struggling against avarice and power; and instead of that confidence and mutual assistance, which a satisfied dependence on each other would inspire, we may too often find nothing but distrust, aversion, and hate.

That this is the case in districts where the Permanent Settlement has been introduced, I have seen vouchers of unquestionable authority to prove. The barramahl, for example, is represented to be in this state. In Bengal the same effects are also stated to be experienced. The land-holders paying ten-elevenths of the rent of estates to Government, rack-rent their lands to tenants, to the great injury of agriculture, and ultimately indeed of themselves; and that this is owing to the heavy land tax, can hardly be doubted, when we are informed by the same valuable author, that the tenantry of the "free lands, in the same provinces, are considerably better off.†"

* "En épuisant les riches vous affamez les "pauvres, que les riches seuls font vivre."
Phil. Rur. vol. 1. page 321.

† Vide work already quoted, chapters iv. & v.

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That Bengal may be in a state of slow progressive improvement, is very probable, and the respectable authorities from which this assertion has often proceeded, leave no room to doubt the fact; but it may be more difficult to admit the Permanent Settlement, on its present footing, as the efficient cause. The long-continued tranquillity of the Bengal provinces, their great fertility, the general security to property, and, in some cases, the freedom of its employment; a moderately taxed commerce; and though last, not least, the great extent of free lands in Bengal, said to be one-eighth of the whole cultivated area,* and the wealth thence produced; are all sources of energy that would lead to partial good, in despite of the restraints and obstructions arising out of a heavy consolidated land tax. But that the prosperity above admitted, is at all owing to the introduction of a permanent tax, averaging 10-11ths of the rent of estates, is utterly inconceivable to me.†

Indeed the reverse, from personal observation and experience in the revenue affairs of this country, is the impression of my mind; and it is the conscientious conviction thereof, and no other motive, that leads me to covet the present discussion. Under the heavy land taxes now in force, I repeat it to be impossible, in my humble opinion, for wealthy proprietors ever to arise in sufficient numbers to constitute a source of general prosperity. The system not only extinguishes one necessary class in society, but materially affects the condition of the other cultivators, who, reduced to a bare maintenance, are deprived of every spark of enterprize. Poverty, without a prospect of relief; bad husbandry, without the possibility of improvement‡; are the natural consequences. Tenants disheartened and depressed, yet prompted by necessity to the cultivation of the soil, naturally content themselves with portions of land sufficient, after the discharge of rent or revenue, for their own and families support: hence the origin of small farms, or tenures, and the deplorable subdivision of lands amongst a wretched inefficient population, to whom increase of numbers is only increase of misery. Here we may also see equality of condition exemplified, as perhaps it only can be, in equal poverty; a people of few wants, and those nearly supplied to each individual by his own exertions; of little use, and therefore as little dependent on each other; a poor and languid internal commerce, few comforts, little satisfaction, indifference to life itself, and no attachment to the Government, under which the far greater part may be said to drag on an approximation even to brutal existence.

Whatever may have contributed to this complication of evil, Government has at all events the power to remove it. It would be erroneous to say, that the natural indolence of the people is the cause of their degradation, for we have ample proofs, especially in the free commercial towns, that this imputed degree of indolence is not characteristic of their nature. If they are habitually idle, drunken, lying and deceitful, these qualities, it should be

* Vide same work, page 17.

† The numerous advertisements contained in the Calcutta Gazette, of estates to be sold to discharge revenue demands, cannot be deemed a proof of the prosperous progress of the Permanent Settlement, however much Bengal may be admitted to prosper in other respects.

According to the elements of the French economists, a "Nation Agricole," as Bengal certainly is, of 120 million arpens (Bengal, including Benares, contains, I apprehend, about 105 million acres) and containing 30 millions of inhabitants, as Bengal is supposed to do, ought, in a state of prosperity, to yield a gross produce (at 24 livres per pound sterling) of £. 265,300,000, of which £. 83,333,330 would be product net, or the net rent of landed proprietors and two-sevenths of the latter sum, or £. 23,809,524, would be the public revenue.

Whether Bengal, under the present system, is in a fair way of reaching this possibly attainable degree of prosperity (for the calculations of the economists have been too much respected for the last 50 years, to be now deemed altogether visionary,) those who are best acquainted with its local means, will best judge. In the work already so often quoted (vide, pp. 24, 25) the gross produce of lands in Bengal is estimated at Rs. 329,130,000, whether siccas or current is not mentioned; if the former, at 2*s.* 6*d.* we have £. 41,141,250 sterling; and if the latter, £. 32,913,000 only, as the gross produce of what is always represented as one of the finest countries on earth. The revenues of the same territory are, I believe, about eight million. According to these data, the gross produce of Bengal, supposing it at thirty-two millions sterling, is not one-eighth part, and the revenues about one-third of the sums calculated upon by the economists.

What is still more remarkable is, that on these data, the whole annual gross produce of the lands in Bengal, does not equal even the annual revenue of Great Britain, a tract not half the size of the former; inferior in natural fertility, and not containing probably more than one half of its population.

‡ There is no principle better established, than that agriculture is most effectually improved and promoted, both as to quantity and species of produce, by means of enterprizing farmers possessing adequate capitals of their own; of men in short capable of making those primitive and annual advances, according to the language of the economists, which a perfect cultivation necessarily requires. The vast observable difference between the cultivation of rich farmers, and that of the wretched metaying system in Europe, has been so often elucidated, as to require no other notice here, than merely to bring to recollection, that the system of India bears a resemblance to the latter, as before noticed; and that the similitude holds among other points, in the annual advances required to be made to the poor metayers and cultivators, who are often in this country alike unable to cultivate without them. In some districts, these advances are made by money-lenders, and are of a most ruinous description; cultivators have been known to borrow money for the season at 30 and 40 per cent. to be paid principal and interest out of the coming crop. The tuckavy advances of Government, to be returned with common interest, is another species, and proves likewise the want of adequate means to cultivate with due effect. The state of our cultivated lands exhibits in consequence, very generally, but a poor and imperfect husbandry, which cannot be expected to be improved under systems thus tending to confirm the poverty of the cultivating class.

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be remembered, are the peculiar vices of poverty, the natural consequence of helpless debility reduced to the daily necessity of opposing fraud and cunning to the unjust and unreasonable extortions of power. In morals as in physics, there is no effect without an adequate cause; and we have no authority from reason, from experience, or the history of the human mind, to ascribe vices, the apparent consequence of a vicious system, to innate and irremediable depravity. From contemplation of the Indian character, particularly that of the Hindoos, there is on the contrary every reason to anticipate their moral improvement, with the improvement of their physical situation, and the refinements both in manners and education, which this happy change would superinduce; but the first step towards this improvement must be taken by Government itself. Let the field of industry be thrown open to all: let the sovereign withdraw from all interference in the rights, or participation in the proper functions of his subjects, and patiently await the acquired wealth of the latter, ere he attempts to enrich himself: let him revert to the original dignity of his intended office, which consists more in protection than interference; and in estimating the nature and duties of his tutelary authority, let him remember, that the children of his care require no other protection than the security of their rights and properties, no other encouragement than the utmost possible freedom; and that the surest road to universal prosperity, is the most unrestrained course of nature's laws.

" La justice divine qui reprouve les mechans, n'a accordé qu'une autorité tulelaire aux " puissances qui gouvernent les nations. Si elles sortent des bornes et du resort de leur " institution, elles violent l'ordre naturel de la loi suprême, et ne sont plus que les " instrumens du disastre general et de leur propre dommage, toujours englobé dans le " dommage public."—(Phil. Rurale, Vol. 2. p. 106.)

Bombay, 7 July 1808. (Signed) *R. Rickards.*

Appendix (A.)

From the following view of the internal commerce of Bengal, an accurate judgment may be formed of its nature and extent in other parts of India:—" The languid state of internal " commerce, inferred from the circumstances above mentioned, is confirmed by the review " of the commodities which it exchanges, and by the estimate of their amount. The " exportation of grain from ear districts, and the return of salt, constitute the principle " object of this trade. The importation of cotton from the western provinces, and the " exchange of tobacco for butternut, together with some sugar, and a few articles of less " note, complete the supply of internal consumption. Manufactures are almost limited " to the wants of their immediate neighbourhoods, excluding from this consideration the " provision of the public investment, and the calls of foreign trade; piece-goods, silk, " saltpetre, opium, sugar and indigo, pass almost wholly through the Company's hands, " excepting only what foreign commerce, and the traffics of various ports in India, export " of such among these articles as the Company do not monopolize." (Remarks on Husbandry and Corn.—Bengal, page 168.) In a subsequent paragraph, this commerce is estimated at about 8 or 10 million per annum, we may add million for the external commerce, and this constitutes the state of productions and of wants of about 27 or perhaps 30 million of people, in avowedly the richest provinces of the British dominions in India.

It might lead to very useful results to compare these amounts with the estimated value of English commerce and produce, and more in detail than I have the means at present of accomplishing. One record states the value of exports and imports of Great Britain, in 1802, at about 79 millions; another record values the annual produce of the lands (which may give some idea of the value of the internal commerce of the country) at 70 millions. In India the annual revenue collected from at least 50 millions of subjects, is about 14 millions sterling; whilst in England the annual and permanent taxes of 1804, raised from 14 or 16 millions of people at the utmost, yielded upwards of 33 millions sterling. Even this imperfect picture exhibits a striking difference between a poor people of overgrown numbers and fettered industry, and an efficient population far less comparatively numerous, enjoying freedom of exertion, though still not altogether unobstructed in the course of nature's laws.

In viewing the progressive political state of both countries, the contrast is equally striking. The History of Great Britain, from the Revolution to the present day, exhibits a nation advancing in efficient population, in commerce, in agriculture, in arts, in science, and in the accumulation of vast wealth, in despite of the bloody and expensive wars of King William, Queen Anne, and the Georges, and in opposition to a heavy load of public debt, increasing in each reign with the national resources, till in our own times, exceeding 600 millions: it still leaves Great Britain the richest country of the same extent on earth, a population nearly doubled, and a revenue raised from 2 millions in the reign of King James, to more than 16 times that amount in present times, as the following Statement will evince:

STATEMENT.

	Value of Exports.		Revenue.		National Debt.
	£.		£.		£.
In - - - - - 1669 - - - - -	2,043,043.	King James II. Income up to 1688 -	2,061,856.	King Wm. borrowed -	44,100,795
Revolution - 1688 - - - -	4,086,087.	In - 1691 - -	4,249,759.	Repaid - - - - -	34,034,018
Last year of William III. 1760-1-2 -	6,045,432.	Average of King William's Income -	4,415,360.	Remained in 1702 - -	10,066,777
Wars of Queen Anne, 1709, 1712 -	6,868,840.	In 1707 - - - -	- - -	In 1711 first funded -	9,471,325
First of George I. 1713, 1714, 1715 -	7,696,573.	In 1708 - - - -	5,272,758.	On 31st Dec. 1714 -	50,644,306
First of George II. 1726, 1727, 1728 -	7,891,739.	In 1709 - - - -			
Peaceful years, - 1736, 1737, 1738 -	9,993,023.	In 1710 - - - -	- - -	In 1728 - - - - -	51,028,431
War of - 1739-1740-1741 - -	8,870,499.	- - - - - - -	-	In 1738 - - - - -	46,661,767
Peace - 1749-1750-1751 - -	12,599,112.	- - - - - - -	-	In 1749 - - - - -	74,221,686
War of - 1755-1756-1757 - -	12,371,916.	- - - - - - -			
First of George III. 1760 - - -	15,781,175.	- - - - - - -	-	In 1762 - - - - -	146,682,844

In 1783-4, the whole Revenue paid

- - - - - 1770 - - - - -	15,996,569.	Into the Exchequer	12,995,519.	In 1775 - - - - -	135,943,051
War - - - 1780 - - - - -	12,624,372.	1785-6, D° - D° -	15,397,471.	In 1783 - - - - -	212,302,429

1792, Net Produce of Annual

- - - - - 1790 - - - - -	20,126,120.	and Permanent Taxes about	17,000,000.	In 1793 - - - - -	227,989,148
- - - - - 1800 - - - - -	43,152,619.	1800 - D° - D° -	25,000,000.	In 1801 - - - - -	400,709,832
- - - - - 1802 - - - - -	48,500,663.	1803 - D° - D° -	31,000,000.		
		1804 - D° - D° -	33,000,000.	In 1804 - - - - -	484,162,622
				In 1807 - - - - -	640,750,000

Whole Value of the Kingdom, according to Gregory King, in 1688 - - - - - - -	£. 650,000,000.	Estimate Value of the Capital of the Kingdom in 1804 - - - - - -	£. 1,200,000,000.
Yearly Income of the Nation - D° - D° -	43,500,000.	Mr. Pitt's Estimate of the Annual Income of Great Britain - - - -	102,000,000.
Population, according to - - D° - D° - in 1696 - - - - - -	Souls 5,500,000.	Latest Enumerations - - -	Souls 9,300,000.

The preceding Statement is compiled from various records, but chiefly Chalmer's Estimate. In the intervening years, which I have not given, it is both curious and satisfactory to remark; that whenever wars occurred to depress the exports of the kingdom, they invariably rose on the return of peace, to an amount exceeding that of former prosperous years, a fact that may be admitted to prove that the sources of prosperity pervaded every branch of industry, agriculture, manufactures and commerce, which thus rebounded, after every pressure, with redoubled strength of spring into fresh and increased vigour. Mr. Chalmer's Chronological Table of Exports is of itself an interesting and instructive document, not only from the striking contrast which it exhibits of the opposite effects of war and peace on national prosperity, but from showing also, when compared with the principles of national government, what incalculable wealth and strength are capable of attainment by a people of free exertions and pursuits, of free and unrestrained industry.

In India the scene is different, and the result less brilliant; a series of wars, far less expensive than an European contest, leaves nothing to the boast of pride beyond a dangerous, if not ruinous extent of overgrown dominion. In provinces long possessed, or subsequently acquired, no material improvement is observed of any thing deemed advantageous in civil polity; and no increase of resources, except what may be said to result from extended conquest: but increased revenues, still alarmingly short of that indispensable expenditure which conquest never fails to entail, can neither be esteemed a public or a private benefit; and a debt of 30 millions only, threatening the Government of at least 50 millions of people with irretrievable ruin, is certainly a proof of want of due encouragement, in other words, of sufficient freedom, to industrious pursuits; a proof that the land and labour of our Indian possessions have not been rendered so productive as those of the

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mother state at any given period here adverted to, and that the fault is not ascribable to nature, since our population is comparatively more numerous, and the fertility of our lands not to be exceeded by any other equal extent of the habitable globe. It is therefore inferable, though we have possessed extensive provinces for half a century, that a new era in India yet remains to be commenced, in which, as Judge Blackstone pronounces of the epoch of the Revolution, "prerogative and liberty may be better defined, the principles of "Government more thoroughly examined and understood, and the rights of subjects more "explicitly guarded by legal provisions." (vol. 1. page 213.)

So true also is the remark of another celebrated author, that "by means of industry, the "heaviest burthens seem light; by the influence of sloth, the slightest duty appears "intolerable."

But if commerce, according to the economists, is nothing more than an exchange of the productions, natural or manufactured, of the earth, how can it be extensive when these productions are limited? Or, considering commerce to be regulated, as it really is, by the state of human wants, what internal commerce can there be amongst a people who have scarcely any wants at all? An agricultural population, paying a tax of half-produce, will dispose of their annual surplus to realize funds for payment of their revenue; the remainder, affording them a bare maintenance, requires but little aid from internal commerce, for being fed from their own cultivation, they have but little, very little left to exchange. This is evidently a state of very limited wants, in which commerce can hardly be expected to thrive.

The surplus produce, however, of cultivation, wherever it exists, constitutes wealth, and that wealth is yearly renewed; the question at issue, then, is, whether it be most for the public good, that this wealth should immediately pass into the hands of rich proprietors, or be distributed among the poor stipendiaries of a still poorer Government, overwhelmed with difficulty and debt. In the first case, it is evidently capable of incalculable increase, of incalculable improvement of the public revenue, and of incalculable advantages to the community at large, from its universal distribution and expenditure. But in the latter case, the wealth that is produced passes in its expenditure through various less useful and less productive channels, and is accumulated in certain proportions into the hands of commercial agents, where the aggregate amount, though it will continue to circulate and enrich various individuals, seems incapable of useful increase or advantageous distribution, with regard to India, and for these reasons; viz. because that class in the society through whom alone productions and consumption can be most effectually increased, is utterly extinct; much, probably the major part of the surplus wealth accumulated in commerce, quits the country never to return; and even the channel to the increase of productions, by means of that which remains, is obstructed.

Indeed, under the peculiar system here discussed, it is even probable that if the exported surplus were, from other circumstances, compelled to remain in India, it would absolutely stagnate from wanting means of lucrative employment; in other words, that it would be very difficult, if not impossible, to find employment, under the present state of things in India, for all the capital which a profitable external trade is capable of accumulating; and as this one fact, if true, may tend to elucidate more fully the various checks to progressive improvement, which are conceived to be in existence and in force, a little further digression on the subject may not be misplaced.

Doctor Smith has observed, that the principal improvements of agriculture, in all the modern states of Europe, though contrary to the natural order of things, owe their birth to the surplus accumulations of merchants, manufacturers, &c.; and the same effects, it may be inferred, ought to be produced in this country, from the similar overflowings of commercial gain; but there is this wide difference between the commercial and political state of Europe and India, separately considered. In Europe, the course intimated by Doctor Smith, is perfectly correct and clear, for, as he himself observes, "in all the great countries of "Europe, much good land still remains uncultivated, and the greater part of what is cul-"tivated, is far from being improved to the degree of which it is capable. Agriculture "therefore is almost every where capable of absorbing a much greater capital than has "ever yet been employed in it." As the policy of Europe does not, moreover, positively obstruct such employment, it follows that there has ever been a channel open for all, and even more than all the surplus capital of European commerce, to force the increase or improvement of agriculture. All the countries of Europe can boast a class more or less numerous of wealthy landed proprietors; they have all been more or less in a state of progressive improvement, the demand for labour has consequently increased, consequently efficient population, consequently consumption, consequently productions, consequently commerce and commercial capital. The freest and most industrious commercial nations (England and Holland for example) have been the greatest accumulators of the gradually increasing wealth thus produced either at home or abroad: their prosperity and resources have gone on to flourish, because there has been no positive obstruction to the employment of their increasing accumulations in any of the different branches of human industry; and the prosperous state of these, increasing the demand for productions, has of course forced agriculture to supply it. There has been no positive obstruction (although certainly more advantageous in some states than in others) to the direct employment of capital in agriculture itself, in which line it is admitted and proved that the same sum of capital will put in motion a greater quantity

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of productive labour, will add more to the annual produce of the land and labour of the society, than in any other. There has therefore been no positive obstruction to its employment in that very channel in which it is capable of promoting efficient population, consumption, productions and commerce, wealth and revenue, human wants, and the means of supplying them, in the highest possible degree.

This seems to be a clear connecting chain of causes and effects; but in India it must be kept in mind, that none of the different branches of human industry, external commerce excepted, either in our own countries or those around us, are in a state of progressive improvement, or if they are, it is so very slow as to be imperceptible; there is therefore, as far at least as regards those countries generally, no greater demand for labour in one year than in the former, therefore no increase of efficient population, or amelioration of the circumstances of that which exists, therefore no increase of consumption, therefore no increase of productions. Now if productions are not increased, commerce, which only circulates them, must in the aggregate be equally limited: it cannot circulate commodities which are not brought into being; the sum total of the capital employed in it, will therefore remain stationary also; the sum total will not increase, although the private capitals of individuals will, in those few, free, and industrious commercial towns where the productions that are annually brought into being, continue to be more and more accumulated: but in these few towns, it may be added, and must be admitted, that the demand for labour, efficient population and consumption, all increase; so far means are afforded for the employment of increased capital, and so far also may it indirectly force an increase of productions to supply extended wants, and doubtless does so: But these are very narrow limits, compared with the possible augmentation of wants throughout the whole extent and population of the territories of India; yet to these narrow limits is our increasing prosperity apparently confined, and consequently the means of employing increased capital, for the impediments to its employment beyond these bounds, would seem to be absolute, to be almost, if not wholly insuperable.

It cannot, for example, be employed in countries where the public tax absorbs all the produce of land, except what is barely necessary for the maintenance of the cultivating class: in such countries capitalists will not even attempt to force agriculture, at all events beyond the limited extent above adverted to, for they would rather bury their wealth than employ it to a loss. It is therefore evidently checked, if not wholly obstructed, in that very channel which of all others is most conducive to private and public prosperity.

They cannot employ it either in the increase of home manufactures, beyond the very limited increasing consumption of wealthy towns; the Indian demand for these manufactures being otherwise, I apprehend, as stationary as the apparent state of their annual produce and of the industry employed therein; while the European demand is supplied through other hands, and, according to the published statements of sale in Europe, is likewise stationary, or nearly so. Indeed in this branch of industry there would seem to be a deplorable want of capital every where; with clumsy wretched machinery, its commodities are almost universally supplied on advances from the immediate purchaser to the labouring manufacturers; and there cannot be a stronger proof of the poverty of the whole manufacturing class, if not of the internal traffic and population of the country generally. This too, be it remembered, is the second most advantageous channel for the employment of capital, which in India seems almost incapable of attracting any.

It has been already shown, that increased capital is unlikely to find employment in the internal trade of the country, or of the retail trade, except within the limits of the aforesaid commercial towns; for all without is stationary, and unconquerable poverty.

There only remains, then, the external commerce of the country, which is admitted to flourish partially; and if the capital accumulated therein should increase, as I apprehend it must do, beyond what is requisite to support the increasing prosperity of the few towns which engross this branch of industry, the overplus must, as before observed, either stagnate or seek employment in more distant and less fettered regions. If the obstructions to its domestic employment were removed, the same reasons which Doctor Smith gives for the capability of agriculture to absorb a much greater capital than has ever been directed to it, would apply with more force to this country than to any part of the European world; and if the agricultural channel only were but once freely opened, all the others would of themselves naturally and necessarily expand.

Should this reasoning thereof prove correct, it will satisfactorily account for a gradual increase appearing in the returns of the external commerce of Calcutta, Madras, Bombay, &c.; the result of wealth annually and locally accumulated therein; while the stationary state of our agriculture, manufactures, and internal traffic, proves the accumulation to be of little use to the community at large, from want of internal employment and expenditure, and of as little use to the state; which is still unable to relieve itself from the pressure of a comparatively trifling amount of public debt. It tends to verify another observation of the celebrated author above referred to; that capital, employed in the trade of exportation, has the least effect, of any of its aforesaid employments, in supporting productive labour, or adding to the amount of annual produce. It is peculiarly the case in this country, where the exported surplus produce of our different provinces, is not chiefly, as in European states, exchanged for other commodities more in demand: were it an exchange of commodity against commodity, it would be here, as elsewhere, beneficial in the support of productive industry to the extent of this exchange, and employ a proportionate extent of capital: but in India a very considerable proportion of this surplus, consisting principally

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principally of rude produce, is exchanged for money, wherewith to pay the Company's revenue; and this money, constituting for the most part a bare subsistence to a horde of poor public servants, is chiefly expended to procure the same rude produce for daily nourishment and support. So far therefore as this branch of commerce only goes to the exchange of rude produce for money, and of this money for rude produce again, it only sets in motion half as much industry (or perhaps less) as it is evidently capable of in other free countries; it gives employment only to a single, instead of a manifold capital, and exemplifies another striking check to the production of commercial wealth, and the consequent improvement of national resource, wholly ascribable to a vicious revenue system.

Here then again is a state equally adverse with the former to the increasing prosperity of our internal affairs. Commerce, wealth, industry, agriculture and the public revenue, have a stationary limit, a barrier of most difficult, if not impracticable passage, and which plans, expedients or regulations, will in vain attempt to remedy, save only the simplest and best of all regulations,—entire freedom to every branch of individual industry, re-established at once the class of landed proprietors, effectually, not nominally; and when productions, the real riches of all countries, are thus freely called into existence by the wants of a wealthy people, and allowed at the same time the utmost liberty and facility of exchange, commerce, as the natural agent in the business of distribution and supply, will be found to require neither rules, prohibitions, or privileges, to promote its increase.

Bombay, 7th July 1808. (Signed) *R. Rickards.*

The Governor delivers in the following Minute, with three Accompaniments; on the subject of the Papers above recorded from Mr. Rickards.

PRESIDENT'S MINUTE.

1. The letter from Mr. Rickards, of the 24th of September last, together with that gentleman's Essay on Taxation, have lain by me thus long, chiefly because it became in consequence necessary to enquire into the progress of the settlement that had been authorized in the island of Salsette. Such have occupied during several months the short intervals of time I had to devote to that object, and which not being got through before the departure of the last ships, it was understood that the papers on this important subject, should certainly proceed to our superiors by the first ensuing dispatch, for which purpose they are now delivered in; at the same time that from the speedier departure of the present convoy than had been expected, I can by the present opportunity submit only a few general observations on those by Mr. Rickards, reserving the further remarks I may have to make respecting the means of improvement to Salsette, for the purposed departure of the Teignmouth.

2. The impression I have received in perusing Mr. Rickards's Essay on Taxation is, that it purports to apply the rules of European, to the widely different state of Indian society, such as may in many points of view be found difficult to assimilate, if not hazardous to treat of, as depending on a common principle.

3. Thus, in his 58th paragraph, this gentleman shows, that in England, from barley alone, and its modified products, a revenue was not many years since derived to the British Government, of £. 3,503,422 sterling, whereas the whole land-tax of England does not, he observes, produce annually more than about £. 1,900,000, of which no great proportion can be considered as at all referable to the produce of barley; admitting which to be the case, it does not follow that in India any like circumstances could ensure the same result, until at least the tastes and nourishment of Englishmen became those of Indians. There is no want of barley cultivation within the Company's territories, but the natives do not convert it into the products on which the excises are established in England, and the cases admit not therefore of accurate comparison, farther than to evince that the taxes noticed in the 60th paragraph cannot be, in India, carried even to the height to which this part of Mr. Rickards's argument adverts, unless the manners of the great body of the people be first entirely altered.

4. Whether or not the principle of the French economists, of laying all the taxes on the land, be, as noticed in Mr. Rickards's 61st paragraph, erroneous or otherwise, it is certainly conformable to the prevalent system in India, nor is that theory supported by the French alone, but by respectable authorities in England, who contend, that all taxes fall ultimately on the products of the soil, and that in advancing a different doctrine, the eminent author of the Wealth of Nations, is at variance with himself, inasmuch as his previous data lead to that conclusion.

5. With respect to Mr. Rickards's application of the principles in his Essay to the present state of Salsette, I refer to the printed regulation on that subject, entered on the proceedings of the 24th of February, which will show, that some alterations have intermediately taken place, particularly in the abolition of the several farms, whence exclusive of the article of moothurfa, which may perhaps still require revision, I am not aware of any remaining head of collection that presses with undue weight on the inhabitants, provided the experiment last year introduced of a new administration for the late tobacco and liquor-farms, shall be found to answer their object; which remains to be determined.

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6. With respect to the alleged objectionable clause in the cowles, or proposed deeds of property, as adverted to in Mr. Rickards's 67th paragraph, by which I understand to be meant, that they are (though erroneously) supposed by the natives to be revisable every ten years, with a view to an increase on the rentals, I rather impute more of them not having been taken out, to the causes adverted to in the clause 3d of Section XLV of the above-mentioned Regulation, and particularly to the last of them, as seems also supported by the petition presented by several of the natives of Salsette to Mr. Rickards, forming the voucher D. among the accompaniments to his plan: added to which, the Secretary's fee established on these deeds was, I am now convinced, by far too heavy for the slender means of this numerous body of agricultural peasantry, and should therefore be either altogether abolished, or reduced, in due proportion to the extent and value of their respective occupancies or estates; but under any modification, these deeds of property will probably never prove palatable to the majority of the cultivators, for experience indicates that we have thereby been attempting to obtrude on them a system which, how congenial soever in its aspect to our possessions, proves but little acceptable to their limited estimate of its benefits, which they consider more than counterbalanced by the contingency it involves of despoiling them of their patrimonial tenancies, of which dread they are relieved, by adhering to the customs of their forefathers, in sharing with Government the greater or less product of each year's harvest; a rule, the origin of which is nearly as untraceable from its antiquity, as in its application it must have always been peculiarly suitable to the periodical rains of India, that will ever prove the prime regulator of the abundance or scantiness of the general crops.

7. In considering the question propounded in the 68th paragraph of Mr. Rickards's Minute, I beg leave to premise, that the introduction of English terms into Indian finance, leads, as in all other instances of verbal inaccuracy, to incorrect ideas. Thus we have translated zemindar by landholder or landlord, although the more accurate version would perhaps have been landkeeper, in the sense that the same Persian affix "dah" is applied to the viceroy of a province or soubah; viz. soubah-dar, a term to which the obvious absurdity of the inference has guarded us from attaching, as in the former case, any notion of property; but having once translated zemindar by the English term landholder, we have thence been led, too inconsiderately, to annex to it our general idea of a proprietor of land, and to yield to the consequent benevolent idea of raising them to that condition, whether with their will or against it: but the present race of cultivating peasantry in Salsette can be expected to aspire to nothing comparatively higher than that of rural yeomanry in England, who would not hesitate to pay as farmers, to a landlord or superior, the third of the agricultural produce of their labour, although this be in fact a higher proportion than is rendered by not a few of the inhabitants of Salsette; nor am I aware of any taxes being continued so as to affect this net residue of two-thirds at the least of the gross paddy or rice produce remaining with the coorumby or cultivating ryet, after the discharge of his public rental.

8. Would not the laying on again a tax on shopkeepers, as proposed in Mr. Rickards's 72d paragraph, operate as an additional burthen on the coorumbees, and other inhabitants, by an enhancement of the articles in which those shopkeepers deal: it was at least in that view that this tax was taken off, as noticed in the thirty-ninth section of the already cited Regulation I. 1808.

9. I own I am not aware of the intrinsic advantage of removing the tax from the land to the houses: and it seems also objectionable, on the mere ground of so important an innovation, such as ought not to be lightly adopted in any case affecting the general rights of the community; but it is needless to enter much into argument on this part of the subject, as, under the orders of the Court of Directors of the 24th of August 1804, approving of the present system, as being in conformity to the principles of the Permanent Settlement throughout India, it would be exceeding our powers to introduce so great an alteration, unless sanctioned by the Supreme Government, to which, under another order from the Honourable Court of the 21st of April 1790, this Government is authorized to refer on points respecting the fiscal economy of Salsette, or of the vicinal districts.

10. With reference to the 75th, 76th, 77th, and 78th paragraphs of the Minute from Mr. Rickards, it may be proper to notice that it has already been made fully known that persons undertaking to bring waste lands into cultivation may, as several do accordingly, hold the same at a fixed rent in perpetuity, which appears to be an old and well-established rule in the island of Salsette, as specified in the 2d clause of the fourth section of Regulation I, 1800. Few or no instances have, I fancy, yet occurred where the parties have desired to set free in such lands for so long a term as Mr. Rickards has suggested; but it may in general be affirmed that as long a period has in this respect been granted as solicited or deemed in anywise necessary; nor am I aware, as seems implied in the last of these cited paragraphs, that the exaction of revenue is consentaneous with the extension of batty or rice; tillage from lands not already perfectly arable, and in a state of due cultivation: neither can any thing be clearer than that the principle of the system in Salsette, as expressed in the proffered deeds of property, precludes any additional tax for either improvement or extension of cultivation, whether on low or high grounds within every possessor's own limits, all which he or they are expressly declared to be at full liberty to apply to the growth of what products they prefer, without affecting thereby their fixed rental to Government; and had not Mr. Camac's proposed tax on fruit trees been altogether given up, for the reasons assigned in the eighteenth clause of the 36th section of Regulation I, 1800,

it is difficult to suppose that the mere planting of trees could be attended, as set forth in these paragraphs, with any immediate exaction of revenue; the genuine object of all territorial taxation in India being, that Government should share proportionally in its actual produce, without anticipating thereon; a principle which must of course continue in force, in as far as the major part of the present occupants of Salsette may prefer its contingent, but regulated operation, to the more precise limitations which have offered to them in the deeds of property.

11. With respect to the doubts expressed in Mr. Rickards's 80th paragraph, that the true sense of the present deeds of property will never be understood in respect to that clause thereof which renders the money value of the perpetually fixed grain tax decennially liable to alteration, it seems that after the expiration of the first ten years, the degree of obscurity thought to be involved in the clause in question must, by the future practice, become sufficiently elucidated; but this I consider, either way, of no great moment, since, if deemed requisite by our superiors, this defect may be cured by announcing to the cultivators that the money value of the settled rent in kind is also fixed, so as not to be liable to future alteration.

12. Not clearly comprehending the inference in the 82d paragraph of the Essay, I pass it over without remark.

13. On the 85th paragraph, I shall only say, that whatever terrors the cowls or deeds of property hold out, none of them have been left; the Company's Government not having hitherto proceeded, to my knowledge, to the length of selling either lands or other property for arrears due to the state.

14. With respect to the liquor farm, as adverted to in the next following paragraph, it has been already mentioned to have been abolished, and a system ordered to be introduced, since October last, founded on the Bengal abkary Regulations, which, when matured, may, it is hoped, answer the object of suppressing that inordinate use of spirituous liquors, such as in no part of India has probably produced such baneful effects, in debasing the minds and weakening the bodies of its deluded votaries, as among the Christian part of the inhabitants in Salsette, who form so considerable a part of its population.

15. The tobacco farm has likewise been discontinued from the same period, and a system substituted in pursuance of the experiment previously made in Caranja, of which Mr. Rickards has, in his 89th paragraph, expressed a better opinion, such as it will be very agreeable to me to find it ultimately to merit.

16. Mr. Rickards having adverted in the 93d paragraph of his interesting Essay, to the remarks by Dr. Scott, in reply to certain queries which I had on the 25th of July last addressed to him, and to others, the most qualified from local knowledge to pronounce on the state of Salsette; I shall annex those queries and Dr. Scott's answers to the present remarks, and leave the whole to make their own impression with those who may peruse them.

Nos. 1. & 2.

17. The result of Dr. Scott's, as well as of Mr. Ashburner's exertions, and of all the large capital they are said to have laid out on their respective estates, must I fear appear by the latter's, and Dr. Scott's agents joint late address, and the present state of the former's premises, to have fallen very short indeed of the expectations that Mr. Rickards seems to entertain of both in this part of his Essay.

Vide Mr. Ashburner's and Dhackjei's Letter of the 14th June R. D. 17th D°.

The observations by Mr. Rickards, in his 98th and following paragraphs, might open a wide field for remark; but as more immediately connected with the subject under discussion, I shall only express a doubt whether the peasantry in India, under the genuine Moghul system (such for instance as is still upheld in Broach, in the manner delineated in the Report from the Commission of Revenue at that station, of the 31st May 1807) be not, as many of them, in a state of comparative ease in their circumstances, by sharing with Government, according to ascertained rules, the product of their agricultural industry, without the fear of dispossession from their hereditary tenancies, than can fall to the lot of the harassed commonalty of the same description in too many parts of Europe, these latter having over them lords, proprietors, with reference to whose severities to the more helpless classes of their rural fellow subjects living under their sway, the governments in that part of the world can exert but a slight degree of corrective power; whilst in India, its right and duty are in this important respect as well understood, as frequently and beneficially exerted, insomuch that the great body of cultivating peasantry in India, would probably be disposed to reject, if tendered to them, the offer of being placed under our European constitution. Such as the system for the permanent leases granted throughout the greater part of British India, although approximating to, has yet found it necessary to guard against this eventual abuse of, by a variety of checks and provisos; leaving the Company's ryots in a state still materially different from the relative insecurity of the like classes, in the region from which Mr. Rickards has drawn his principal data. In as far therefore as that system may seem the most conducive to individual happiness to the greatest number of human beings, and specifically, in providing a state of relative security to that most numerous and valuable class of mankind, the body of husbandmen, by conferring on them—not indeed riches, (which is often very distinct from happiness) but a medium state of permanent quiet and contentment, will it not remain in some degree questionable how far the balance may in these respects be in favour of European or Asiatic economy, a consideration which may contribute perhaps to make us hesitate in hastily making use of our power for the introduction of speculative

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lative ameliorations, such as the legislature appears to be jealous of, by requiring that the revenue rules of the country shall be maintained and respected in favour of the natives.

19. The fiscal system now in force in Salsette, has that of India for its basis, in like manner as at Broach, but with this difference, that its inhabitants have suffered more from the successive conquests, not singly of Mahommedans, (which in common with the last cited district it has undergone) but by those of the Portuguese, Marhattas and British, each of whom have left the stamp of some part of their respective administrations. That however the natives of Salsette were the happy people under the Portuguese, that is apparently supposed in Mr. Rickards's 104th paragraph, appears doubtful from the accounts of that island by such travellers as visited it during their dominion in the seventeenth and eighteenth centuries, all of whom appear to represent the Indians under that nation, in a state of absolute and debased villanage (as per extracts in the accompaniment) whence the gay appearance of the Portuguese churches and buildings of that period, may stand no more in proof of individual prosperity and happiness, than the similar aspect of one of our West India islands, without retrospect to the number of slaves that compose the great majority of its population.

20. But in howsoever degraded a state the inhabitants of Salsette may heretofore have been, from their former oppressions, or continue still under, the unhappy disposition of so many of them to the excessive use of spirituous liquors; the introduction of capitalists into that island, as adverted to in the 106th paragraph of the Essay, may be perhaps attended with less success than could be hoped for, in as far at least as may be judged from the recent disappointments experienced by those who have had time to estimate the result of their having, subject to the payment of one single tax, entered on such undertakings, combined with the necessity of such adventurers procuring, as in the last instance of Ardeshere Dady, the good-will of the present occupants, before we can, consistently with what has from the highest authority been announced to the people of Salsette in general, proceed in the plan of placing over them more real landlords, in the European sense of that expression, or rather perhaps zemindars, in the more qualified modern acceptation of that term, in the British part of Eastern India; for under the engagements in which Ardeshere stands bound towards those who on such conditions consented to become his tenants, his power over them, and his estate, approximates much more to one of the latter, than of the former description; but yet it was not without a considerable degree of precaution, and with some jealousy evinced on the part of the ryets on his estate, that they yielded to Ardeshere's becoming at all their superior, as must be inferred from the conditions they exacted for their own security, as briefly enumerated in the fifty-fifth section of the Regulation already noticed.

21. Neither might our being able to introduce into Salsette the plan proposed in the Essay, constitute much proof of its easy extension into our other territories. We may, from the local and peculiar circumstances of the natives of that island, act towards them, or probably those of the smaller island of Caranjah, as we please, without risk of active resistance, but such is not the case with our far more extensive possessions in the vicinity of Surat, and still less in the north-western parts of Guzerat, in which, innovations on the customs and habits of the people will for years, and perhaps for ages to come, expose the Government that attempts them to a very undefined and vexatious series of evasive or more open opposition.

22. I concur entirely with Mr. Rickards in all the benefits to which that gentleman adverts in the 107th, and other parts of his Essay, as connected with the most plentiful supply of water for the purposes of irrigation in Salsette, and I have collected some information on this part of the subject, which will shortly be submitted to the Board, in time for any measures that may in consequence be undertaken on the commencement of the fair season, such as will, I hope, be found to be in general concurrence with the several able suggestions of Mr. Rickards in this part of his work.

23. The lands adverted to in Mr. Rickards's 113th paragraph, are not under the Company's authority, as that gentleman supposes, the pergunnah of Gundavie appertaining to the Guicawar; but this is of no consequence to the argument, as we possess other districts in the same vicinity, from which the ascertainment of the facts alluded to can easily be made, or obtained from Gundavee itself, by a reference to the Resident at Beroda.

24. In Mr. Rickards's 119th paragraph, he defines the advantage of a house or reservoir tax, over one on land, to consist in its "not interfering with the immediate pursuits, or "sharing in the immediate benefits of industry;" but does this amount, after all, to more than a verbal distinction? since, whether the tax be laid on the house, or on the lands, or on their product, it is this last alone that can pay the tax, which must therefore interfere very nearly as much in one way as the other with the husbandman's pursuits, and with the profits of his industry; such fixed tax inferring, whether rated on land, or deriving from whatever other real or nominal source, much the same requisites and consequences.

25. The estimate of square miles assumed in the 74th section of the already mentioned Regulation, differing considerably from that in the 124th paragraph of the Essay, it may be proper to notice, that the former is taken from the Report of Captain Brookes of the Engineers, after a local ascertainment thereof by that able officer.

26. It thence follows, that the relative population of Salsette is considerably more numerous than as noticed in the Essay.

27. The

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27. The contents of Mr. Rickards's 125th paragraph, are well calculated to arrest the attention of political economists; but I cannot say that the same results thence present themselves to me as to that gentleman; which is perhaps because I contemplate the subject more on Asiatic or Indian, and he (as already observed) with a greater view to the European principles of rural economy. Prosperity, in its true sense, must bear material, and even chief reference to individual happiness, which is not always necessarily connected with what is in the Essay alluded to, under the term of "active industry," in a greater degree than is frequently to be found in the undisturbed and easy life enjoyed by the majority of Indian cultivators, who (for a nearer approximation to English ideas) may be considered as the Government's soccage tenants; and is it not somewhat repugnant to Mr. Rickards's data, that Salsette, if so wretchedly an impoverished country, should nevertheless exhibit a relative population not far short of the double of the two most populous divisions of Great Britain? for it is one of the leading maxims of European statistics, that "where there are "the wisest institutions, and the most happiness, there will also be the most people."

28. The general argument in the next following paragraph of the Essay, seems not, by this rule of judgment, very applicable to Salsette, inasmuch as in its present state it upholds from its agriculture a very numerous body of inhabitants, among whom, and yet in a greater degree perhaps amongst the peasantry of India in general, there are but few under really necessitous circumstances, enjoying, as they do in this respect, most of the requisites for comfortable existence in their relatively humble spheres; whilst in Europe many a peasant is (if I be rightly informed) pinched for meat, clothes, and fire, for his family.

29. It does not appear to me that, as stated in Mr. Rickards's 130th paragraph, the applications occasionally made in Salsette (as in all other countries similarly constituted) from ryots to circumscribe their cultivation according to their circumstances and convenience, form any definitive proof of increasing general poverty, inasmuch as cultivators for these grounds, or their equivalent, are generally found, so as on the whole to maintain from year to year the cultivation at about its usual standard, whilst on the other hand it is obvious, as noticed in section 36, Regulation I. 1808, that some parts in Salsette (and that too where Mr. Rickards's favourite experiment, or one approximating to it, by introducing capitalists, on a singly rated system of taxation, has not been attempted) are of late years decidedly improved in their cultivation, internal industry, and exterior commerce.

30. The 135th Paragraph, which closes the general plan of the Essay, is replete with truisms, which no one will undertake to impeach, but I am at the same time not aware of their peculiar applicability to Salsette, from not perceiving the advantage that Mr. Rickards views in the substitution of a house tax for one equally definite on land, my reasons for which I have already assigned.

31. Mr. Rickards having, in his letter of the 24th of October, adverted to the situation of Caranja, it seems allowable here, and may prove useful, to contrast the state of that fully cultivated vicinal district with the relatively different condition of Salsette; although, in point of favour from Government, the latter has been abundantly more cherished than the former. It is not thence reasonable to conclude, that in the insalubrity of the air, and greater natural sterility of Salsette, are to be found the causes of its more tardy progress in bringing into culture the waste and jungles that yet cover too large a proportion of its extent, some of the central parts of which will however appear, from the evidence in the Accompaniment No. 3, to have subsisted throughout the best times of the Portuguese administration.

32. An experiment is now however making in that island towards the clearing of the jungles, and the application of those wastes to the rearing of hemp, teak, and other produce, such as, if attended with success, may diminish the regret that so much of the soil of Salsette remains still at the public disposal; but on this subject it would be premature to enter farther at present. By the dispatch of the next ships in February or March 1809, a decisive opinion may be formed of this operation.

33. With respect to that part of Mr. Rickards's plan that relates to the reduction of the expense of the revenue establishments in Salsette, Caranja, &c. I beg leave to assure him and the honourable Court, that I will most willingly place immediately in his hands the realization of this saving, to be continued from our proceedings on that head, under date the 4th of September last, which have brought them to the lowest state that the collector represented to be compatible with the realization of the public rental: comparatively with their amount of revenue, it must be admitted that these districts, as well as the island of Bombay, may appear to have always been disproportionately burthened with extensive collecting establishments; but in apology for this, it need scarcely be noticed, that small collectorships having also very minute parts of revenue to realize, are apt to exhibit, to a certain degree, this unfavourable contrast, when compared with much larger ones, in which the payments are more in gross sums; but however that may be, no one will rejoice more than I shall at the largest practicable reduction of the present charge.

34. In thus desiring to commit the more immediate direction of this important branch of the public administration to Mr. Rickards, in the hope of his being able to operate several desirable reforms in it; I would wish to be understood, that these should be effected with as little prejudice as possible to the income of the present Patells in Salsette, who, though too many of them unworthy and useless, as sufficiently appears by Regulation I, 1808, possess, nevertheless, with their families, such an interest in the immunities hereditarily

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attached to their situations, that to deprive them thereof, without some equivalent, would amount to a severe hardship.

35. It appearing from Mr. Rickards's communications, that the inhabitants of Caranja have announced their consent to the new system proposed by that gentleman, it is known to him that I have (in view to that circumstance, and to the smaller interests involved in that comparatively flourishing island, combined with the less formal sanctions respecting its existing revenue constitution, than have been passed regarding Salsette) expressed a disposition to his proceeding to make the experiment on it, of which the principles are unfolded in the Essay.

36. The subject of the Petitions from Salsette and Caranja, which accompany Mr. Rickards's Essay, have, with respect to the particular grievances set forth in them, occupied my attention; the result of which I hope soon to be able to bring before the Board.

37. It may however be satisfactory to notice, that although these Petitions are professedly collections of every thing which the subscribers considered as remaining evils, and wished to be relieved from, any alteration in the rate of assessment on the lands of Salsette, or in the system for their territorial or grain rental, is not even glanced at: whence it follows, in concurrence with all the other information I possess, that in this essential point they consider themselves as too well treated to desire a change.

38. Mr. Rickards having included among the Accompaniments to his Essay, a general state of the revenue establishments throughout the limits of this Government, it may be satisfactory to our honourable superiors to know, that they have since undergone considerable reduction; whence, upon the ground of information from the Accountant General, I may safely state, that upon the whole, they are now under nine per cent. on the landed jumma or rental, which is, I conceive, within the proportion of such charges at the other presidencies.

Bombay, 7th July 1808. (Signed) *Jonathan Duncan.*

SUPPLEMENT, added on the 8th July 1808.

1. Having, since writing the preceding remarks, had an opportunity of perusing very summarily Mr. Rickards's Minute of yesterday, I beg leave (under a natural anxiety to stand as little as possibly in the way of an experiment, purporting to teem with so much public benefit) to express my acquiescence to give immediate effect to the terms of the plan as therein adverted to, by acting on the announced intended proposals of "several natives of "the first wealth and respectability, who are it seems desirous of taking waste lands in "Salsette, and employing capital in their improvement," which need not interfere until the experimental progress of clearing the jungle, and rearing of hemp for the Company, there being room for both operations concurrently; nor should I have ever demurred to such an object as is now announced, had I understood it to be limited to lands not already under cultivation, or of which there are not occupants in possession, who would not probably be willing to have landlords placed between them and the Government, of which they consider themselves as now immediately holding.

2. With reference to Mr. Rickards's doubts as to the source whence the system of Indian finance could have originated, I may here notice a very modern publication, entitled, "Patton's Principles of Asiatic Monarchies," wherein the source of it is attempted to be traced, and contrasted from that European one, of which proprietary landholders constitute the main prop.

3. It is not to be inferred, from any remarks that I have offered, that I presume to decide which of those two systems is on the whole to be preferred; but as that of India is interwoven into all the habits of so extensive a population, I would only wish to recommend caution and deliberation before it be finally abolished. Were India to be populated by Englishmen or Europeans, their own system would certainly be for them the best: whether it be so for men differing from them entirely in religion and manners, is a momentous question, which nothing less than the united wisdom of our superiors, should be perhaps allowed finally to appreciate and decide.

4. Proceeding with the sequel of Mr. Rickards's Remarks of the 7th of this month, I have further to notice, with respect to his mention of the Portuguese Governments not having adopted in Salsette the Indian system, that the European landlords, among whom they divided it, did so; whence it was the same thing, or, on the whole, probably worse for the aboriginal inhabitants, who appear (as already observed) to have been reduced and held by those foreign superiors, in a state of very abject servitude.

5. It is remarkable that Mr. Patton deduces from the Sacred Records the very converse of the doctrine thence inferred by Mr. Rickards, as to the property of the soil being, according to this author, throughout the East, in the sovereign, and not in landholders, as Mr. Rickards judges thence to have been antiently the case. Whilst engaged in this subject, I took the opportunity of a visit this evening to poor Dondoo Punt, the late Marhatta killadar of Lohgurh, to ask him whether among them the land or soil was understood to be private

property, or to belong to the sovereign. And he answered without hesitation in the latter sense, adding, that the Marhattas had a common saying, that "the daughter belongs to her parents, but the land to the king."

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6. Yet, although this may be the true and most generally established theoretic definition, the practice perhaps in India, as now constituted, will be found (as truth does, in the greater part of contests) between the two aforementioned extremes, by individuals holding a qualified possessory property in the soil; the nature and precise description of which, should not be reduced to the level of our habitual notions, but received, and admitted to operate, according to its own genuine import, varying, as it a good deal does, through the several great divisions of Hindoostan, the Deccan, the Carnatic, and Malabar; and being, for instance, much more sensibly felt and acted on in the provinces of Bengal, than in that of Guzerat, the Grassia tenures in the latter excepted. In short, this is a subject that might require much time and consideration to discuss with entire accuracy, but meanwhile it may involve the least hazard, that the Company's servants should uphold the genuine import of the settled customs of the natives, provincial or general, as they find them, without adventuring to innovate on them without due authority, or endeavouring to compress them into their own meditated forms of amelioration.

7. With respect to the situation of Malabar, its whole constitution, civil as well as fiscal, was so different, till after the middle of last century, from any other in India, that I scarcely consider it as furnishing an apt criterion for general comparison. By those who are of an opposite opinion to Mr. Rickards, (such as the well-known Mr. James Grant, who has with wonderful assiduity developed the whole Moghul constitution of India, or Mr. Patton, the author already quoted, or the honourable Mr. Greville, who is understood to be the author of "India Analyzed,") no term equivalent to that of a European landholder, is acknowledged to exist among the natives of Hindoostan, or the Deccan: and if the Portuguese Government constituted landholders in Salsette, they stood towards the former hereditary tenantry, in lieu of that Government, and made the same collections that it might have realized; but out of which his most faithful Majesty was satisfied with reserving a light quit rent, such as in many places is paid by agmadars in Bengal at the present day, and by grassias in their wanta tenures on this side of India.

8. The just decision of the question thus at issue, may accordingly still seem to depend upon a thorough ascertainment of the first principles on which it rests; as to which, however, the differing advocates for either conclusion, continue unhappily at entire variance. I have already intimated my own impressions, and I shall here take leave, for the present, of a discussion on which the unexpected urgency of existing circumstances, with respect to the departure of the convoy for England, having obliged me hastily to commit so far my sentiments, that considerations may, I trust, apologize for the desultory order and imperfect tenor of the several remarks, that, pursuing the order of Mr. Rickards's observations, I have, as a point of duty, and not of choice, and with a diffidence proportionate to the great interest of the objects in view, been thus unavoidably called upon to submit.

(Signed) *Jonathan Duncan.*

(No. 1.)—ACCOMPANIMENT to Mr. Duncan's Remarks of 7th July 1808.

QUERIES addressed to Doctor Scott and others, respecting the state of Salsette, in a letter from the Governor in July 1807.

Queries referred to in the President's Minute (7 July 1808) relative to Salsettes.

1. WHAT proportion of Salsette do you think remains now waste, one half or one quarter part, or how much, with reference to what is already in cultivation?

2. Do you think the population has increased, or diminished, in this island, during the last ten years?

3. Do you consider the island to be in a progressive state of improvement, or decline; or as stationary?

4. What improvements do you conceive would the island now admit of, with respect to its government, the redress of grievances, or the security of the cultivators and landholders?

(Signed) *Jonathan Duncan.*

Dear Sir,

I SHALL not fail to the best of my judgment to answer every part of the Queries with regard to Salsette. I certainly do consider the island as in a state of improvement. A man who thinks otherwise, must be blind and prejudiced at once, for nothing in my opinion is more certain and obvious.

Dear Sir,
Yours, &c.

24th July 1807. (Signed) *H. Scott.*

(No. 2.)—ACCOMPANIMENT to Mr. Duncan's Remarks on Salsette.

No. 3.
Answer to Queries referred to in President's Minute (7 July 1808) relative to Salsette.

Bombay, August 1807.

THERE can be little doubt but that under the Portuguese, the island of Salsette was in a very flourishing condition; the lands were then private property, and many of the landholders were wealthy: some remains of their buildings and public works give us an idea of considerable opulence, and it is fully confirmed by tradition, which is not yet very remote. I have seen a man nearly 100 years of age, who died lately at Pasparely, who remembered the time when no less than 40 Europeans assembled every Sunday in the church of Trinidad. After the conquest of the Mahrattas, all was destroyed; the landholders fled precipitately from the island, and the conqueror introduced his oppressive and degrading system on the ruin of that of private property.

After a period of about 50 years the island was taken by the English, and for about 30 years past it has remained in our possession. The English chiefs appeared to have had no better views of right policy than their predecessors the Mahrattas: they adopted all their methods of raising money from the people, and some of them, (among whom Mr. Farmer deserves particularly to be named) invented new, and I do think very hurtful methods of taxation. Under us, the people certainly found themselves in no better a situation than under the Mahrattas: our chiefs never understood well the language of the country; the system of letting out the lands under the management of natives, was continued, and some exceptionable means of raising money were over and above adopted by us.

The first attempt at improvement by the Government of this Presidency, was, I think, made under the chiefship of Mr. Camac. Several very exceptionable taxes were then relinquished, the lands were let out in a more equitable mode, and their rents, which were too high, were somewhat diminished. To these salutary changes, Mr. Duncan added the Court of Justice as it now exists, and which is certainly a great improvement on the former system. Other means were gradually adopted to promote the cultivation of Salsette, and to encourage the people to industry. It was signified to the inhabitants, that their lands would be transferred to them as private property, if they chose it, and without any addition to their present payments: a few accepted of this offer; but such was the debased state into which mankind had fallen by long oppression, that the rest rejected it. They looked on the proposal with sullen distrust and indifference. The property of the land had never entered into their minds, nor had they the means, nor the energy to extend, or to improve their cultivation.

With the same view of increasing industry and cultivation, Government was pleased to encourage the undertaking of Poway and Bandoop. Before those estates began, the universal cultivation of Salsette was rice, nor had those rich articles which give so high a value to the tropical countries been attempted there, although the soil and climate of Salsette are extremely favourable to most of them. I may truly say, that independently of personal advantage, the proprietors of those estates had a sincere wish for their success. They entered on their undertakings with enthusiasm, and under many losses they have to this hour never relinquished the animating hope of success. They have certainly effected a good deal. Their cultivation of canes and other articles is extensive: they have sunk many wells for the purpose of irrigation, and they have established a numerous population where some years ago there hardly existed a human being. They ought not perhaps at the outset to have expected that they could clear and cultivate a large tract of land and settle inhabitants on it, without some personal loss. This they have severely experienced, and at one time a state of bankruptcy stared them in the face.—I allude to the time of the great famine, which in spite of the active vigilance of Government, was felt severely in Salsette; but by none so much as the proprietors of Poway and Bandoop, where a large capital was embarked, and where cultivation at one period was nearly stopped. Since that time more favourable circumstances have occurred, and among others, those estates have derived an essential benefit from their spirit contracts. Government could certainly by no other means have given so cheap, or so appropriate an encouragement to Poway and Bandoop. Indeed I may say that this encouragement has not lost the public a single rupee, for we know from past experience that those who deal in spirit would not have supplied it to Government at a cheaper rate, and it was often procured at a dearer rate. The best spirit is the product of the sugar cane, and I think Salsette will soon keep, by these means, a large sum of money among us, which has hitherto been annually sent to foreign nations. A great advantage must arise, too, to Government, from the supply being at hand, for distant supplies are constantly attended by ill effects: the stores in such cases are too full of the article, or deficient in it, and the price is always most irregular. As soon as the present contracts expire, I further expect that Government will get their supplies here at a much cheaper rate than elsewhere, and in as small or as great quantities as they require. All those are advantages which a foreign market cannot afford.

Among the advantages that have already arisen from Poway and Bandoop, I may notice the rents now paid for those estates, which are very considerable. This is a permanent gain to the Company, for those lands had fallen into such a state, that they, twelve years ago, yielded little or nothing. Population is always a farther gain to the public, and the great increase of it on those estates, may fairly be reckoned among the late improvements of Salsette.

The estates of Poway and Bandoop have at times, and chiefly in the beginning, suffered severely from disease: they were over-run with trees and underwood; and the luxuriant grass

that

No. 3.
Answer to Queries referred to in President's Minute (7 July 1808) relative to Salsette.

that the fields produced uneaten by cattle, rotted on the ground, and spread fatal fevers over the country; this is too much the case at this moment in many parts of Salsette. The change on those estates is now surprising, for such is the effect of cultivation, that those lands, formerly so destructive to mankind, are as free from disease as any part of Bombay, and we no longer see the labours of the year disappointed in a moment by the morbid consideration of our cultivators. The natives have now lost their terrors, and they at last are convinced that they can live at Bandoop or Poway with perfect safety: I consider this fact as highly important; for the sad effects of disease in the beginning, not only exposed us to great pecuniary loss, but had almost induced us to relinquish hope.

I think a man must be very full of prejudice who does not in many respects see a great improvement in Salsette within the last ten years. The causes detailed in the beginning of this Paper, have greatly contributed to that effect, but many no less important remain still to be mentioned.

The building of the causeway at Scin, and the new road to Tanna, have been of the greatest utility. A few years ago a traveller in Salsette, on the most frequented road of the island, met with nobody besides a few passengers on foot; the high road is at present covered with carts, which transport to Bombay, Tanna, or other parts, the grain, straw, and other products of husbandry. There is not a moment that people do not pass the bridge at Lion, with a variety of provision, &c. where formerly a solitary traveller but now and then made his appearance; not only has the bridge and the great road facilitated this intercourse, but it has been promoted by various regulations. The ferry, at the time I allude to, was ill managed, and a system of pilfering prevailed which it is very difficult to prevent with the natives. Severe regulations have been made against such abuses, and with excellent effect. With regard to duties, &c. &c. it has been ordered, that Salsette and Bombay shall be on an equal footing, that the intercourse shall be perfectly free, and that in almost all respects they shall be considered as one island. This regulation, adopted several years ago, gave very high satisfaction to the people of Salsette, and has been of very material benefit to that island. It has given a security to the husbandman and the trader, which they knew not before.

It is not alone the agreeable appearance of increased activity that makes me conclude that the improvement of Salsette is so considerable of late years; many other circumstances confirm it; of late some respectable natives with capital, have with permission of Government, settled in Salsette. Such people deservedly meet with encouragement; but the disposition that men of this description now show to embark their property there, is a proof of the change of public opinion with regard to Salsette, for some years ago no man of property would have entered on such a speculation. Settlers of this kind will bring a new spirit with them, and will soon effect what the poor, indolent and long oppressed natives never could have done. I observe that even the purvoes of Bombay have dug some wells in Salsette, and made inclosures of stone.

I had long wished at Poway to induce the natives to take my lands from me on almost any terms they pleased. I had become convinced that no other method would ensure the general cultivation of the island, and that the West India practice of proprietors cultivating the whole of their estates, was not applicable, for many reasons, to the state of things in this country. With this view I offered the natives wells, cattle and lands, for a trifling consideration, and even gratis, but I could get nobody to venture on such an enterprize; I was almost in despair, when to my astonishment I found this season that I could let out much of my land to adventurers in agriculture, by giving them cattle and some other kinds of encouragement. I now soon expect to see the whole of my ground in cultivation, and producing various articles for the Bombay or foreign market, while I shall relinquish all immediate income in agriculture; employing myself only in aiding or directing those who are immediately concerned in it. This is the state of things which I have long anxiously wished to see, for this alone can render permanent and useful all that we have hitherto done in Salsette.

As a further proof of the improving state of Salsette, I may observe, that about three years ago I got from Government the village of Tankey. For a long time its population had been diminishing, and in Salsette, the immediate consequence of a diminished population, is an increase of jungle, or what is still worse, of grass, which give rise to fevers and dysentery, and waste, in a proportion rapidly decreasing, the people who still remain. When I took Tankey not a single habitation remained, and the few people who had escaped from disease had gone to other parts. I have already collected a considerable number of people; not less I think than thirty houses; and half of the lands are now in cultivation. Such is the present spirit, that I believe that every foot of the village will be occupied in ten or twelve months more. Among my adventurers in Tankey there are two Bombay purvoes, both men of some property.

Some things still exist in Salsette of the ancient establishment, which I think might be altered with advantage, and which are not consistent with the general spirit that has of late years regulated that island.

There are some small farms, which produce yearly to the public but a few hundred rupees, while they harass and injure the inhabitants. I can affirm from experience, that it is impossible to authorize the servant of a tax-gatherer of any kind to wear a livery, without making him a little tyrant. To this moment the poorest classes of the people know us not sufficiently. They have been used to Mahratta oppression, and will seldom venture to

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resist any body who comes in the shape of authority. Two of those farms I shall mention, the farm of Jungars, which is a tax on the husbandmen of Salsette, and unknown even to the Mahrattas; 2d. the farm for cattle, sent from Bombay in the rains, to graze in Salsette: the farmer pays for this a mere trifle, and I have known him commit very unwarrantable actions.

It must be allowed that the lands of Salsette are let too dear, although something has already been done to lighten the burthen. The difference of rent would, I think, be amply made up by the quantity of land let.

A Marhatta practice still prevails in Salsette, which greatly impedes the progress of agriculture. When a man has once rented a piece of land from the Company, he can never again leave it, nor even relinquish a part of it; there he must remain; and if all of his children or relations, whose assistance only he was able to cultivate, were to die, he must continue to hold and pay for the same quantity of ground. Even the widows of the deceased are obliged after the death of their husbands or children, to engage for the usual amount of ground. This is a great bar to the letting of the Company's lands to strangers, who would otherwise be disposed to settle, and who look with terror at this unavoidable condition.

It might be useful to change the patells of villages yearly. They at present hold the office for life, and thus acquire a great influence among the people, which they sometimes apply to bad purposes, both with respect to the public and individuals. In a village near to Poway, I know a patell who has amassed a great deal of money; he turns to his own account all the unoccupied lands, for which he pays nothing. These lands have now become a considerable proportion of the whole village, and are constantly on the increase. As he feeds cattle, cuts hay, &c. &c. on those waste lands, it is highly for his interest that they should increase; and I fear patells in other situations may have a similar interest.

Another circumstance seems in Salsette to impede the progress of cultivation. As few villages are fully cultivated, the inhabitants make choice of the finest spots, allowing the rest to become waste. If any person wishes to settle in such a village, he finds it impossible, for the inferior grounds that are left are so intermixed with those of the first quality, that confusion would ensue, and the new settler would be harassed and ruined. This is a general evil, and exists to a great extent over much of the island; when new settlers offer, they should be put in possession of a sufficient quantity of land annexed with the lands of others: but this will meet with a vigorous resistance. When I took part of the village of Paspauly it was with the greatest difficulty, and after every impediment they could devise, that I could get what I required unmixed with occupied spots. I procured at last a third part of the village, and in spite of the difficulty that I had, one third of it to this moment still remains uncultivated, producing nothing to the Company.

It would be difficult to find in any part of the world, a spot better situated for cultivation than Salsette. It one day may be of greater value than the large island of Trinidad in the West Indies, for in the one case a perfect state of agriculture will be acquired and supported with great difficulty, while in the other there is every desirable facility. Salsette is contiguous to Bombay, and may be said to embrace it for above half of its circumference; on the other side it is separated by but a small channel from the continent of India. It has thus every facility that can arise from the neighbourhood of an immeasurable population and great wealth. The riches of the mercantile community of Bombay are extremely considerable; to possess the soil seems to be a natural passion of all mankind, and it is felt on this island by every class of the community. Even the bora quits his shop on his holidays, and flees to his little garden in the country. When we have fully convinced the wealthy inhabitants of Bombay that it is possible to cultivate the lands of Salsette to advantage, and that his property in the soil, and his property of every other kind is there as secure as in Bombay, the riches and the industry of this island will take that direction, and I have no doubt but that at last every corner and nook of Salsette will be as eagerly bought up and secured as it is here. The wealth of individuals is that of the state, and thus a comparatively small tract of land may become to Government of infinitely more importance than extensive provinces, where an imperfect agriculture does little more than feed a needy population. Of late years much has been done for Salsette, and the effects that already appear, are flattering; to amend a degenerate people, or to improve a wretched state of agriculture, is not the work of a day. I am very sensible that I am speaking to a far better judge than myself on matters of general policy, nor should I have ventured on the subject but at your desire; but I may have observed some circumstances, from being on the spot, which have escaped your observation at a distance.

(Signed) *H. Scott*

ACCOMPANIMENT to Mr. Duncan's Remarks on Salsette.

Extract from the voyages of John Francis Gemelli Barere, descriptive of the state of Salsette, as it was in the year 1695 of the Christian era.

"The island of Salsette, in which the aforesaid pagod is seated, is about seventy miles in compass, twenty in length, and fifteen in breadth; being very low, it is cut by several channels running in from the sea; but there are high mountains in it covered with trees. The soil is very fruitful, and produces abundance of sugar-canes, rice, and fruit; such as mangos,

mahgos, cócoas, transalins, giacharas, tamarinds, ananas, papas, and other sorts, which shall be described elsewhere. There are in it several villages of poor wretched gentiles, moors, and christians, living in houses built with wattles, crusted over with mud, and covered with straw, or palm tree leaves. They go naked, both men and women, covering their privities with a clout, and their breasts with another, or else with a short jerkin, that does not reach below the navel, leaving the arms, thighs, and legs bare. On their arms they wear bracelets of silver and glass, and thick silver rings about the legs. The peasants are worse than vassals to the lords of the villages, for they are bound to till the land, or to farm as much as may put them in a condition to pay the landlord: thus, like slaves, they fly from one village to another, and their landlord brings them back by force. They generally pay for their land, four, six, or twelve morais of rice, so called when the husk is off, and vate when it is on, which is the way they usually deliver it. A morai is twenty-five paras, and the para twenty-four pounds Spanish; measures the Portuguese use for provisions, as they do the covedo for long measure. If the peasants take the land to till, in the place of their abode, they pay no other duty to king or landlord, (though some exact some days of personal service;) but those held in fee, pay an imposition according to what they are worth, every four months, to the kings, factors, or treasurers residing in all the northern cities. These villages are given in fee to soldiers who have served long, or to other persons that have well deserved of the Crown, for three lives, after which they generally endeavour to renew; but to the church they are given for ever."

The author adds, that he travelled in Salsette "eight miles through a thick wood," in the vicinity of the Canara caves; after passing, as he notices, "over a mountain full of monkies, "tygers, lions, and other wild beasts and venomous creatures." See pages 195 and 198 of Church M. Vol. V.

EXTRACT of a farther Account of Salsette: Written by Mr. Hamilton about the beginning of the eighteenth century.

"SALSETTE is an island about 25 miles long, and in some places 10 miles broad. It is fruitful in roots and fruits, but not in corn; it is stocked with villages and churches, but has no city in it but an old one called Cama, hewn out of the side of a rock, but by whom I could never learn. It is near a mile in length, and many antique figures and columns curiously carved in the rock, and has several good springs of water to accommodate it. At present it is inhabited only with wild beasts and birds of prey. The island is almost cut in two by a narrow river, that bisects it at a town called Werwa, which lies on the sea shore, and has a little narrow harbour, deep enough to receive ships of the greatest burden, and is secured by a small fort standing on the north side; but the town is on the south side of the river. It drives a small trade in dry fish, made here and transported to the inland countries and villages that want the benefit of fishing. The fishers here catch their fish in long nets fastened to stakes placed in the sea, the outward ones, most of which are driven in the bottom in nine fathoms water, and they appear to strangers like a wood in the sea. There are several villages standing between Versua and Bombay, on the sea shore; but Bandara is the most conspicuous, which fronts Mahim in Bombay, about a mile distant. The Portuguese have some great guns planted at Bandara, but they have no trade, because the river belongs to the English; and all customs of goods, either imported or exported, are paid to the custom-house of Mahim. The mouth of the river is pestered with rocks, that forbid entrance to any vessels of burden."

In anno 1694, the Muskat Arabs made a descent on Salsette, and committed great depredations, in plundering and burning villages and churches, killing the priests, and carried about 1,400 captives into irredeemable slavery.

EXTRACT from Dr. Fryer's Travels:—Begun 1672, and finished 1681:

"CURIOSITY led me a second time to visit the island Canorein (another name for Salsette,) having obtained leave for a longer stay; nor went I alone, some of the best quality on the Island being led by the same desire: joining themselves with me, we carried a train of servants, horses, and palankeens, which were ferried over before us; and we coming soon after, were met by the fraternity (of the Jesuits,) and conducted to the fathers, who detained us till the afternoon by a stately banquet; showing us the curiosities of the church and college, diverting us with instrumental and vocal music, and very good wine.

"After which, we were dismissed; and four miles off Bandora, were stopped by the kindness of the padre superior, whose mandate, wherever we came, caused him to send his recorders (a term of congratulation, as we say, "our service",) with presents of the best fruits and wines, and whatever we wanted.

"Here, not adjoining to any town, in a sweet air, stood a magnificent rural church; in the way to which, and indeed all up and down this island, are pleasant aldeas, or country seats of the gentry, where they live like petty monarchs; all that is born on the ground being theirs, holding them in a perfect state of villanage, they being lords paramount.

"From hence, when we had baited, the same night we travelled early to Magatana, using our fowling-pieces all the way, being here presented with rich game, as peacocks, doves, and pigeons, chitrels, or spotted deer."

See Fryer's Travels, printed at London in 1698, page 71, wherein he adds, that on his way from Magatana to the Caves of Canara, he passed half a mile through a thick wood "peopled" (to use his expression) "by apes, tigers, wild buffaloes, and jackalls."

The

No. 3. Historical Extracts relative to Salsette.

The Travels of Carrere show that he approached the Caves of Canara from the northward, by Gorabunder, and the village of Deinse Dina, whilst Mr. Fryer's route was from the south and west. Hence the difference, as to the extent of the wild tracks they passed through, such as are generally traceable in those localities to this day.

The above recorded Papers not having been yet perused by Mr. Lechmere, no decision can be immediately passed on this subject; but copies of them are in the meantime to be transmitted by the ships under dispatch, noticing to the honourable Court of Directors, that our further proceedings thereon, together with such resolutions as shall thereon be passed, will be communicated to them by the shortly expected dispatch of the honourable Company's cruizer Teignmouth.

EXTRACT of BOMBAY REVENUE CONSULTATIONS, the 22d July 1808.

Mr. Lechmere delivers in the following Minute:—

Mr. Lechmere's MINUTE.

Mr. Lechmere's Minute (16 July 1808) on Mr. Rickards's Essay and Minute.

I HAVE perused with much attention the Essay and Minute delivered in by Mr. Rickards, as well as the Minute and Accompaniments by Mr. Duncan, and should be happy, were it in my power, to state any thing that could further elucidate either side of the question under debate.

This point having been so ably discussed on both sides, leaves it for me only to observe, that I concur in the opinions expressed by the President; and that I conceive the question to be of such importance, that no material alteration ought to take place in the present system, without a previous reference to the honourable Court of Directors, who, on the arrival in England of the lately departed ships, will be in full possession of the subject, and no doubt will give us the earliest notice of their sentiments on the subject.

The question appears to me to be, how far it may be politic and prudent to introduce a new system of taxation to the exclusion of local forms, customs, and usages, among the natives of this country, who, from their infancy, have been bigoted to them; any deviation from which, we all know, they look upon with a most tenacious and jealous eye, even supposing that deviation be evidently for their good.

I agree with Mr. Rickards, that it would be a most desirable thing to construct reservoirs for water, as well as to have all the tanks cleared out, a subject, I know, Mr. Duncan has had for some time past under his consideration, as well as some police regulations; but how far it may be proper, just at this time, to make so large an outlay as will be requisite of the Company's money, is a question for serious consideration.

It is more from this want of water that I conceive the cultivation on Salsette does not more rapidly increase, than from any cause of excessive taxation, the inhabitants only paying one-third of their produce, which I cannot call excessive.

The paper given in to Mr. Duncan by Dr. Scott, who has for many years been in a manner living on Salsette, ought to have much weight; and I am happy in having it in my power to say, that during a circuit I made of the island by desire of this Government, in the year 1803, I perceived with much satisfaction the very improved state of the inhabitants in general, when compared with the situation I saw them in some years before.

Since the period I made the tour of the island, I have almost the whole time acted as the Judge of the Provincial Court of Session, and consequently have had very frequent opportunities of seeing the general state of the people and country, both of which have impressed me with a conviction that the situation of the inhabitants was much improved, and that cultivation was increasing.

This improvement may not have been perhaps so rapid as might have been expected from the various reliefs afforded the inhabitants by this Government for some years past; yet I have not a doubt but it will continue gradually to increase, and the more particularly so if there should be a more abundant supply of water procured.

Whether this improvement would be accelerated by the introduction of a new plan of management, must be a mere matter of speculative opinion, on which it may be hazardous to pronounce; but as the island undoubtedly is, under the present arrangements, advancing in cultivation, I am not for interrupting that certain progressive amendment, by the introduction of a system that may lead not only to undo what has already been done, but may tend much to alarm the inhabitants, and which may ultimately not prove at all to answer any of the good purposes intended by it.

If it is possible to decrease the expense of the collections, the measure will have my most hearty support and approbation.

Should the honourable Court be inclined to try the plan brought forward, and so ably supported by Mr. Rickards, they will communicate their directions to us, when the Board will afford every facility that may lie in their power to the successful issue of the undertaking.

Bombay, 16 July 1808. (Signed) *Thomas Lechmere.*

No. 3. Rev. Cons.

Resolutions of the Board respecting Salsette.

Resolved, That according to the sentiments of the majority, no innovation be made by this Government, without a reference to their superiors on the system and principles of settlement for the island of Salsette, which, having been originally sanctioned by the Supreme Government, has since been approved and confirmed by the honourable the Court of Directors.

This Resolution does not, however, extend to such part of the island of Salsette as is not under cultivation, and, as such, occupied by tenants to whom a proprietary title has been conceded.

In the event, therefore, of Mr. Rickards finding it practicable to make trial of his financial system in those parts of Salsette that lie thus open to experiment, the honourable the Governor in Council will very readily concur in such measures as Mr. Rickards may, in consistence with the preceding general exception, suggest for that purpose.

And, inasmuch as the inhabitants of Caranja appear to have requested Mr. Rickards' system of finance to be introduced among them, the Governor in Council is very willing that Mr. Rickards should immediately proceed with the experiment in that island, which will also facilitate the beneficial object that Mr. Rickards views as practicable in making a large reduction in the charges of collection.

Resolved also, that Mr. Rickards be invited to bring forward, for the consideration of the Board, those reductions of expense in the island of Bombay and Salsette, and generally throughout the Company's possessions under this presidency which have occurred to him to be available, and which the present exigencies render most expedient to realize to the utmost limits of prudence, sound policy and justice, with reference to which this Government has been engaged in such reforms for these twelve months past, and having not yet closed their proceedings, each member of the Board will, more particularly in view to the recent call of the Secret Committee, as communicated from Bengal under date the 24th June last, be prepared to contribute whatever may appear to either of them to constitute remaining sources of admissible retrenchment within the limits aforesaid.

EXTRACT BOMBAY REVENUE CONSULTATIONS, 29th July 1808.

Mr. Rickards's Minute (23 July 1808) respecting Salsette.

IN delivering in the following Minute, Mr. Rickards begs leave to observe that he had completed the rough draft previous to his seeing the letter from Bengal of the 24th ultimo, with its enclosure from the honourable Court of Directors. The remarks have, therefore, no reference to any other than the vouchers mentioned in the first paragraph of his Minute; on the very important contents of the Bengal letter, he proposes to submit his ideas and suggestions separately, and shall be most happy to co-operate with his colleagues most cordially and zealously in any measure likely to relieve existing difficulties, or promote the public good.

Mr. Rickards begs to request his present Minute may be transmitted to the Court of Directors by the first dispatch which may leave India, as a necessary sequel to the papers on this subject already submitted to the honourable Court's consideration under date 9th instant.

MINUTE.

ON the propositions contained in the honourable the Governor's Minute of the 8th instant confirmed in Mr. Lechmere's of the 16th, and the resolutions of Government of the 22d, tendering to my management the proposed reduction of native establishments on Salsette, and the settling of wealthy capitalists on the waste lands of the island, I beg leave, in the first place, to express my acknowledgments of the Board's acquiescence so far in the suggestions I have had the honour of submitting in this respect to public consideration, but to decline having any thing to do in a partial execution of my proposed experiment. From a trial by piece-meal, and particularly of those parts of the experiment likely to be least relished by the present inhabitants, failure and discredit could alone be anticipated. Neither can it be desirable to run the risk of the whole experiment in opposition to the decided opinions of the first local authorities, and their consequent influence. I have no personal wish, or motive whatever, to interfere with the administration of Salsette; my reasons for selecting the spot for an experiment need not be repeated; and, as the whole proceedings are referred to the Court of Directors, I prefer to abide by their decision. If they are pleased to view without offence a humble attempt to promote the public good, to order the experiment, and that it should receive that entire and cordial support on the part of Government which a new undertaking of this nature may very possibly be found to require, my utmost exertions shall still gladly be contributed to give it effect. In this case, however, I could respectfully submit to the honourable Court the expediency of authorizing such eventual sacrifices of present land revenue as particular cases of hardship, or views of useful encouragement, may seem to require; these may not be necessary; but even if they are, portions can only be trifling where the whole revenue of the island is in itself but inconsiderable. If, on the other hand, the honourable Court are pleased to deem the whole scheme inexpedient, I shall bow with patient submission to the decree, and feel personally no other regret than that of the unnecessary trouble it has occasioned. It is on public grounds only that I have proposed it;—for public purposes alone that I should wish to prosecute it; and with no other personal motives or expectation than that of public benefit; but, if the scheme be finally proved and adjudged to be a vain speculation, far be from me the silly vanity of urging it into further notice.

No. 3. Mr. Rickards's Minute (23 July 1808) respecting Salsette.

The honourable the Governor has correctly stated his having offered the island of Caranja for the experiment proposed. I believe the offer was repeatedly made, but he, no doubt, also recollects it was as often rejected from the total unfitness of the spot. Its situation in respect to Bombay affords no attractions to wealthy settlers; it is divided from the presidency by a considerable extent of sea, always inconvenient, and often extremely tedious to cross, being very small, its valleys are already fully peopled and cultivated; it has, therefore, no waste lands of sufficient extent or natural fertility to induce new settlers to occupy them; and the wastes that are there consist chiefly of high hills of barren rock and slender soil, which nothing but a superabundant population of the utmost efficiency and industry would ever attempt to cultivate. The honourable Court will, therefore, I trust, not impute to me a fastidious rejection of the honourable the Governor's offer, when it would seem to be but too certain that nothing again but failure and discredit could result from the attempt in so limited and altogether ineligible a district.*

In composing the Essay of the 24th September 1807, subjects occurred, and are therein noticed, which it was impossible fully to elucidate without protracting that paper to a most inconvenient and tedious length. I therefore determined to enlarge on those particular subjects in subsequent supplemental Minutes; that recorded under the 9th instant is one of them; others will also be submitted in support of other parts of the argument, as I may have leisure to complete them, and these, from the particular subjects thereof, will contain my ideas on some of the general principles adverted to in the honourable Governor's Minute. Indeed, it is to these general principles I could wish the discussion to be confined; questions of a particular tendency I sincerely deprecate.

There is one argument, however, adduced by my colleagues against the general propositions I have taken the liberty of submitting to them, part of which at least, from its apparent plausibility, may, in the scrupulous breasts of English judges, be considered of more weight than it really merits, if not properly sifted, and therefore requires a few immediate observations. Its apparent plausibility, however, is only my present opinion; I may be mistaken; and if so, shall be thankful for the communication of such lights as would convince me of my error; an additional inducement for noticing it here. The argument alluded to is the objection that seems to be preferred generally against the propositions I have at different times advanced, that they are only calculated for Europeans, and totally inapplicable to Asiatic polity; and the great danger and impolicy of interfering with the established usages and existing systems of the natives.

Although the greater part, and all the reflecting part, of my life has been passed in India, and though a mind constantly employed in various departments of its administration cannot be supposed to be devoid of Asiatic impressions, yet, independently of these considerations, I must certainly have taken pains to very little purpose, to instruct myself in the principles of my present profession, if those principles have any other limits than that of the earth itself. The habits, the manners, the prejudices, of the inhabitants of different countries, are all of human institution; their varieties are of course subject to local regulation, and justly claim the attention, though not the primary attention, of practical politicians; but the principles of natural law have their origin in the divine will. That law is immutable; it is not only the same every where, but the best every where; and instead of conceiving the genuine principles deduced therefrom to have a mere local use and application, I should rather be disposed to question the authenticity of such as were not generally useful and applicable in every region of the civilized world.

It is but natural for the sciences to be most improved in countries where learning is most cultivated; all the other branches, astronomy, chemistry, &c. &c. have also been brought to their present state of refinement among the most enlightened nations of Europe, but their local origin or progress does not affect the prevalence of their doctrines; these must be universal to be true; and is that which its most distinguished professors proudly boast to be the noblest and the most useful of all, to be a solitary exception; must it be degraded to the level of a mere district regulation?

On what grounds, moreover, of experience or practice, these principles are admitted to be applicable, but only applicable to the national intercourse of Europe, I cannot clearly discern, for I know of no nations in that quarter which act up to them. Those few which approach nearest in practice to the best economical principles are certainly the most flourishing; whilst the widest deviations from these prescribed rules involve in Europe, as in Asia, the greatest checks to national improvement, and consequent political debility.

The universality and immutability of the great laws of nature, in respect to civilized societies, may however be inferred, among other proofs, from the invariable similarity of structure and constitution of the latter; we find every where the same classes of labourers, cultivators of the soil, manufacturers and mechanics, commercial agents of different denominations. Wealthy proprietors, where their existence is not suppressed, ministers and princes, or ruling authorities; different customs, laws, or religious prejudices, may subject these

* I do not mean by this to say, that that part of the experiment would not succeed in Caranja which regards the present inhabitants; but, for the reasons given in the Essay, little could be expected from these alone; and the effect might, for a long time to come, be so little perceptible, that sceptical minds would still question its success, not because proof did not exist, but because it was not sufficiently striking.

No. 3. Mr. Rickards Minute (23 July 1808) respecting Salsette.

these classes to different modifications or restraints, may even require different methods of carrying the same principles into execution; but these do not affect the origin, or the relative uses of the respective classes, the causes, or the consequences of their reunion in the great social body. Since labour, therefore, every where supplies wealth, and wealth supports labour: since there exists universally the same dependence of the different classes on each other, it is but reasonable to infer, that their mutual comforts and advantages, their happiness and prosperity, are alike promoted by the same rules, and dependent on the same principles, *hic et ubique*.

Considering too, the other more immediate objects of my remarks, is agriculture, permit me to ask, any thing in India but the cultivation of the soil? or commerce any thing but the distribution and exchange of its productions? or manufactures any thing but the preparation of commodities for the supply of human wants? Do not mankind live by agriculture, commerce, and manufactures in India as in all other, though not quite so preposterously to be sure as in some parts of the civilized world? Are the love of gain, the desire of enjoyment, or the sense of self interest, different passions in Indian and European breasts? Is wealth a different thing in the Asiatic and European world? Is its source or its mode of acquisition different? or the purposes, after acquisition, to which it is applied? Are not the freest and lightest-taxed communities among us the most industrious, the most prosperous, and the most wealthy*? And is not the greatest multiplication of individual wealth the most effectual method of conducing to the resources, the strength and permanency of the state. These are matters, I humbly presume, which depend much less on the habits and prejudices of men than on principles of a far higher origin. It is remarkable that the means of prosperity in these branches are perfectly consistent with all the varieties of national manners, except under the very worst of existing governments; and it will probably be found on due investigation that those fundamental rules and principles for the promotion of prosperity are the best, whether in the East or in the West, in the North or in the South, which are most conformable to the immutable laws of natural order.

But the argument of innovation should not, at all events, be used merely to answer the purposes of objection: if it is admissible in one instance, it must be in others. Now I apprehend the history of our administration in this country will be found to contain a long series of innovations to the full as striking, and some far more obviously, and decidedly repugnant to long-established habits, than what I have lately ventured to propose. The records of every Government in India exhibit numerous examples thereof: the Permanent Settlement itself is an instance; but to say nothing of the various others, has not the Bombay Government very lately sanctioned one, and the supreme Government most highly approved of it? And in a quarter too where innovation is alleged to be most dreaded, where the habits of the people have been officially represented to be "so vigorous and firmly "established as to be most difficult to overcome." I allude to the abandonment by the Guzerat and Kattywar chieftains of the old and prevalent usage of Mulukgeery, which the Resident at Baroda was authorized to negotiate, even under the co-operative influence and presence of a large military force, and which, with his usual ability, he at length brought to a successful issue. But can any man for a moment doubt the advantage of this abolition of an old custom, or conceive that the chieftains and inhabitants concerned in it will not be equally satisfied when they have experienced its benefits? The argument, therefore, is wholly inapplicable, unless the proposed innovation can be first proved to be mischievous, instead of beneficial: where the latter object only is in view, we have recorded proof, and the most confirmed experience †, of its being unobjectionable in cases not connected with the religious or superstitious sentiments of the people; and, from long personal intercourse with the natives of this country, I can confidently affirm that their attachment to their own agricultural or commercial economy is not of a nature to render partial changes either

* On a late excursion into the Deccan I was exceedingly pleased and surprized to observe the great appearance of prosperity which the city of Poonah exhibited, and which was the more remarkable after the scenes of desolation, plunder, and famine, it had been so lately subjected to: all the principal streets and bazars were crowded with people, whose dress and general appearance displayed symptoms of comfort and happiness, of business and industry, not to be exceeded in any of our own great commercial towns. The whole, indeed, was a smiling scene of general welfare and abundance. On noticing this to the Resident, he informed me that the Paishwa, since his return, with a view of promoting the prosperity of Poonah, had exempted it and the surrounding country from every description of tax; and, to prevent the possibility of exactions unknown to himself, had even abolished the office of cutwal. This fact is at least one proof, among various others, of the practicability of introducing what are termed the European principles of economy into Indian societies, with the same happy effects as have been experienced elsewhere.

† In a late Letter from the Collector of Kaira, to whom a part of the above-mentioned mulukgeeree negotiation was intrusted, we have an additional proof of what is here advanced. He reports as follows: (Letter, 29th June 1808.) "Although I found it necessary to have several "personal interviews and negotiations with the "Gago Zemandars before I could surmount the "effects of their naturally inherent suspicions at "any change in the administration of circumstances connected with their pecuniary payments, "still their judgments were not at length inaccessible to the great advantages to be derived from "the permanent system of amelioration negotiated "for their good by the Resident at Baroda." We have pretty plain proof, indeed, in the whole of the late negotiation, that native Indians, (not the most remarkable for civilization, and not very firmly subjected to our control,) may be persuaded to sacrifice many of their civil and military habits to views of personal benefit.

No. 3. Mr. Rickards' Minute (23 July 1808) respecting Salcette.

either dangerous or impracticable, provided the people to be subjected to the change are only first convinced by plain arguments, and clear demonstration, that it is calculated to promote their own benefit. Attempted changes without this previous conviction, or by means of actual force, have frequently been attended with evil; but the case is widely different which receives the entire concurrence and unreserved co-operation of all concerned. To urge, indeed, the inviolability of human laws and customs, is, in fact, to maintain the impracticability of amendment, and supposes the passive doctrine of its being better to suffer existing evil than to make even the most virtuous efforts to remove it.

After all, the proposed experiment differs essentially from a general innovation: a very simple change in the mode of revenue payments, confined to a very small district, where similar changes have been repeatedly and safely made, without an idea of compulsion, or even wish of extending it beyond these limits, except on confirmed proof of its benefits, and consequently its probable acceptability, can scarcely be deemed hazardous, or likely to prove generally offensive. Or can it be justly said to intend the abolition of existing systems in any district, otherwise than as local circumstances may appear to render advisable, and under such precautions as shall ensure the approbation, by consulting the prejudices, and local usages of the inhabitants? In all conversations on this particular subject, in official papers, and once very lately on these records, I have uniformly expressed an aversion to the execution of any public measure affecting the private interests of Individuals, except with their full approbation and consent; and it was under this impression that I proposed myself to conduct the experiment; but, in the hands of a collector he might conceive any thing short of the full execution of the measure, or of its enforcement, if necessary, an imperfect compliance with the wishes of Government. I had also another motive, and that is the conviction that theories, when reduced to practice, are seldom found to accomplish the fulness of their promise: modifications are often necessary, without affecting their original principles, to adapt them to particular circumstances; and I was desirous of satisfying my own mind that nothing was attempted which should not afford a reasonable probability of success. The Court of Directors, I humbly hope, will hardly conceive that success to be at all dependent on a total change in the manners and tastes of the natives, or ascribe any such inference to a plain fact avowedly advanced, for no other purpose than to show the advantage of moderate and divided taxation, not over the French system of economy*, but over the widely-different land-tax of India;—to show, in fact, whether taxes be or be not ultimately paid by the land; that it is infinitely more advantageous and productive to allow wealth to circulate, and enrich a community, previous to its contributing to the public impost, than for Government to absorb that wealth before circulation, or as soon as it is annually produced.

Bombay, 23 July 1808. (Signed) *R. Rickards.*

Ordered, That the preceding Minute be circulated for the consideration of the Board.

EXTRACT REVENUE LETTER to BOMBAY, dated 10th January 1810.

Letter from 9 July 1808. (Para. 3, ad fin.) Referring to an Essay on Taxation, delivered in by Mr. Rickards previous to his taking his seat in the Council, accompanied with Documents and Explanations, Minutes by that gentleman; and likewise to a Minute delivered in by Governor Duncan, and illustrated with Documents containing his sentiments upon Mr. Rickards' proposition.

Para. 156. General discussions upon subjects of science, when conducted with temper and moderation, have, we are inclined to think, in all cases, a beneficial tendency. In the observations, therefore, which we may think it necessary to make upon Mr. Rickards' Essay and Minutes, so far from wishing to be understood as meaning to discountenance any attempt to throw light upon a subject both intricate and important, we shall always feel disposed highly to approve of and encourage this species of disquisition, even when, as in the present instance, we are not prepared to adopt the conclusions which may be deduced by the inquirer from principles which he may deem incontrovertible in their nature, and of invariable application. To the zeal and talents of Mr. Rickards, of which, on the present occasion, he has given unequivocal testimony, we are willing to do ample justice; and though we cannot avail ourselves of this exertion of them in its full extent, he will not on that account, we trust, show himself less ardent or less active to promote the interest of his employers.

157. Mr. Rickards' financial project, though he only now proposes to make an experiment of its practical utility in Salsette, has no particular reference to the actual circumstances of that island; but seems equally applicable to any or all of our other territorial possessions. It is founded upon defects supposed to be inherent in the constitution of our whole revenue system, and professes to be a general remedy for the numerous evils resulting, not from necessary causes, but from an unnatural, mistaken, and perverse policy.

158. The

* Although the French economists proposed to draw the entire public imposts directly from the land, yet I apprehend the revenue systems of India would be found on comparison to be perfectly abhorrent to their liberal principles. The great proprietors deriving the utmost possible product net from their estates by the means therein explained; and whose expenditure constitutes the most important features of the French scheme, are here entirely wanting; the very source of prosperity remains yet to be created.

No. 3.

Revenue Letter (10 Jan. 1810) on Mr. Rickards' Essay and Minute.

158. The leading features of Mr. Rickards' plan may be described in very few words. Its objects are to relieve the land from all immediate burthens, and at the same time to preserve to Government a revenue equivalent to that which is now derived from the produce of the soil. For this purpose its author would make over in perpetuity the land in full proprietary right to the present occupiers, leaving them to cultivate and improve it without any control or interference on the part of Government; the house of each occupier to be assessed with that portion of revenue which he now pays to Government from the land; the rate of this assessment on houses to be fixed in money, never to rise, but on the contrary, gradually to decrease, in proportion as it may be found practicable to transfer part of the burthen to shops, or to commute this source of revenue into taxes upon articles of consumption, such as tobacco, arrack, &c. till it be reduced to what is termed an uniform and moderate standard. The advantages of this arrangement are stated to be a simplification of the collection of the revenue, a strong encouragement to industry, consequent improvement, and a rapid increase of general prosperity. The plan also provides for the cultivation of waste lands, by a proposal to grant them free of all tax to any persons who may undertake to reclaim them; the houses of the occupiers of such lands at the end of fifteen or twenty years, and not until then, to become liable to the general house-tax, which it is supposed will, before that time, be every where reduced to the uniform and moderate standard already mentioned, that is, when a general tax *ad valorem* shall have been imposed upon all houses in the island, without any reference to the produce of the land. And lastly, Mr. Rickards proposes that Government shall establish tanks and reservoirs upon the island for the purpose of irrigation, subject to a tax sufficient not only to reimburse the expense of construction, but also to compensate for the reductions made in what may be called the representative *house-tax*.

159. Mr. Duncan having in his minute entered into a detailed examination of the merits of the financial project, of which we have just stated the outline, and the general scope of his observations meeting our concurrence, it will not be necessary for us to expose at any great length the objections to which it seems liable; objections which we should think must appear even to its author, on further reflection, to be quite insurmountable.

160. The principles of taxation, as developed in the beginning of Mr. Rickards' Essay, are unquestionably just. All the institutions by which the economy of states is regulated or upheld, may be considered as more or less perfect, in proportion as they are conformable or incongruous with the established and immutable laws of nature. But it must not be forgotten, that these laws, though invariable in their principles and tendencies in every clime and country, and among every race of men, are liable to be impeded, and sometimes obstructed in their operations, by the ignorance or perverseness, the prejudices or passions, of those whose welfare it is the object of the lawgiver to promote. It is as much the intention of Providence that we should be wise and virtuous, as that we should be prosperous and happy: nay, the possession of wisdom and virtue has, by an eternal and immutable law, been rendered necessary to the attainment of any considerable portion of happiness and prosperity. The obvious way, therefore, to make a wretched people happy, is by improving their moral habits; and the way to make a poor nation rich, is by enlightening it.

161. It is undoubtedly the duty of Governments by their institutions to come in aid of the laws of nature, to endeavour to invigorate their action where it is languid, and to restore it where it has been suspended. But this never can be a sudden and momentary operation. As the declension of states is generally gradual and slow, so also must be the progress of their renovation. Hence the necessity to which legislators are reduced in framing their judicial and financial systems, of consulting not only the order of nature as originally established, but the actual situation of the people to whom they give laws. Hence also the distinctions universally acknowledged to exist, though frequently lost sight of in the warmth of discussion, between the theoretical and practical fitness of forms of polity.

162. There thus arises a strong presumption *à priori*, that a system of finance which might be well adapted to a nation highly enlightened, and far advanced in the career of civilization, would be unsuitable to a people, who, though not barbarous, are certainly ignorant; and whose poverty is the result not of a faulty and short-sighted administration, but of deep-rooted prejudices and habits; which, while they remain unshaken, must by limiting their wants, for ever restrain their industry, oppose the accumulation of wealth, and are indeed altogether incompatible with the existence of a prosperous and flourishing country. It is inattention to this circumstance which must have led Mr. Rickards astray; though it does to us appear surprising, that a gentleman of his experience and observation should so far have mistaken the nature of the evil for which he has attempted to propose a remedy. The artificial and unnatural division of a people into casts is perhaps the most effectual method that could be devised by the ingenuity of man to check their improvement and repress their industry. It is so diametrically opposed to the strongest principles of our nature, that wherever such a distinction exists and is rigidly observed, it is impossible for enterprize to thrive; and it is altogether vain to talk of counteracting its mischievous tendency by any code of fiscal regulation. Did it ever occur then, to Mr. Rickards, when he was recommending a system of taxation founded upon the established order of nature, that this order has been so much disturbed in those countries where he wishes his system to be introduced as to render it wholly inapplicable to their present situation? Or if this did not escape his observation, is it possible

No. 5. Revenue Letter (16 Jan. 1810) on Mr. Rickards' Essay and Minute.

he could imagine, that an alteration in the revenue system now in force would have the effect of completely changing the character and habits of the people, and new modelling the whole mis-shapen structure of society, in defiance of a strong host of prejudices of every description, arrayed against innovation, and resolute to maintain what from age to age they have been accustomed to venerate.

163. Without meaning to lay it down as a maxim of invariable application, that in no conceivable circumstance there should be any deviation from the principles and views which have influenced the formation of the permanent settlement of our territorial possessions, it is desirable, for very many reasons, that the system adopted for their administration should be as uniform as possible; and particularly that where it has been once proclaimed it should not be lightly abandoned. Were we to innovate upon our own institutions, our measures would assume an appearance of fickleness and levity, little calculated to obtain that respect which is necessary to the stability of the Government.

164. In the present instance, the change proposed does not in our opinion offer so much as a contingent prospect of advantage. For what is it? Mr. Rickards wishes to transfer the tax from the land and to lay it upon houses, still the change is only nominal; the tax must, as before, be paid from the produce of the soil, and the land in reality would not be relieved of the smallest fractional part of the burthen to which it is at present subjected. There is indeed a very strong objection to a commutation of this sort, though it be merely specious and nominal; which is, that a people of circumscribed notions like the Hindoos would feel much more reluctance to pay a large revenue from a subject which yielded them nothing but imperfect shelter, than they would to admit the Government to a reasonable share of the profits which they derive from cultivation.

165. It is not necessary here to enter into a discussion of the opinions of the French economists; they, like most of the advocates for favourite theories, probably went too far: Certain it is, however, that their system was very ably supported, and that it still has a numerous class of adherents even in this country. The existing revenue system in India, while it resembles it more than any that ever has been acted upon in Europe, is free from one of the chief objections to which Mr. Neckar considered that of the economists to be liable in practice, namely the impolicy of a government deriving its revenue from any single source. But though in no European state an attempt has been made to reduce to practice the doctrines of these very ingenious speculators, neither on the other hand has any government so far testified its aversion to them as to abolish a land-tax where it had previously existed. Mr. Rickards, therefore, has against him not only a class of the most acute, and as some people think, of the most profound, reasoners on matters of political science that ever existed, but the practical financiers of every country in that part of the world, upon the history and observation of which his notions seem to be chiefly founded.

166. We are willing to concede to Mr. Rickards (but by no means to the full extent of his argument) that considerable inconvenience does arise from Government absorbing a large proportion of the revenue of land before it has time to circulate and reproduce. But what tax has not its inconveniencies? Would not a tax upon the bushel of corn, or a tax upon the loaf of bread, equally effect improvement by raising the wages of labour as a tax upon the acre of ground? We have indeed the authority of Dr. Smith, that a tax on land has no such effect,—"When," says he, "instead either of a certain portion of the "produce of land, or of the price of a certain portion, a certain sum of money is to be "paid in full compensation for all tax or tithe, the tax becomes in this case exactly of the "same nature with the land-tax of England" (and we may add of the same nature with the tax imposed under the permanent settlement in British India). Then, says the doctor, "it neither rises nor falls with the rent of land. It neither encourages nor discourages "improvement." Book. v. Chap. 2.

167. Had our revenue system been the same with that which obtained under the Mogul and the Marhatta Government, and that which is in force in Guzzerat at this moment, then indeed Mr. Rickards would have just reason to complain of its paralyzing effect upon the active powers of the mind, and consequently upon the general prosperity of the empire. But the great object of our policy has been, and still is, to subdue the original vices in the character of that system, and so to modify it, that, according to the high authority just now quoted, it may have no tendency to discourage improvement.

168. Mr. Rickards has founded much of his reasoning upon a division of society into two classes, the one of which is supposed to be productive, the other unproductive. The justice of this distinction, though it can boast the support both of the economists and the enlightened author of the Enquiry into the Nature and Causes of the Wealth of Nations, has been very ably combated, by objecting the utter impossibility of drawing any line by which it can be marked. For example, what possible reason can be given by the followers of Quesnai, for, considering the man who drives a plough as a productive, and the man who makes a plough as an unproductive, labourer? Nor is it easier to conceive why Dr. Smith should have ranked a person who sings a song in the latter, and a person who writes a song in the former, class, merely because the one produces something tangible, whereas the other does not. Governments are necessary to the protection of subjects, as subjects are to the support of Governments. The soldier who shields the peasant while he is cultivating his field, from the annoyance of the foe, performs his part towards the improvement of the land; and the Magistrate, whose duty it is to give security to property after it is ac-

quited, contributes more even than the capitalist himself towards the public prosperity. Let it not be imagined, therefore, that the revenues of a state lose all powers of reproduction from the moment that they pass into the chest of the Collector.

No. 3. Revenue Letter (10 Jan. 1810) on Mr. Rickards' Essay on Minute.

169. It may also be observed upon this branch of the subject, that capital is much less necessary to promote cultivation in India than in Europe. The soil, owing to its extreme fertility, produces with less labour; and the implements employed in agriculture are so simple, that farming is carried on at a comparatively trifling expense. It is worthy of remark also, that in Salsette, where more capital perhaps has been expended than upon the same extent of territory any where else, its effects, according to Mr. Rickards, are scarcely perceptible, and must be allowed on all hands not to have been very considerable.

170. Neither is it irrelevant to the present subject of discussion to inquire, whether, in the Guzzerat, the grassia lands, which pay only one half or three quarters of a rupee per bhegha, are better cultivated than those of the Sirkar, which pay from three to four rupees. The grassia proprietor seems there to be nearly in the situation of an European landlord, who derives a rent from the land, and pays a very moderate tax to Government. Yet we do not find, from any of the reports of our servants employed in that quarter, that this difference of circumstances has produced an effect either upon the face of these districts, or the condition of the inhabitants, such as Mr. Rickards' speculations would lead us to expect.

171. From every point of view, then, in which the subject can be contemplated, we are compelled to return to the observation with which we set out,—that the project supposes a state of things which does not exist, and which it could in no way be instrumental in creating. Mr. Rickards is himself aware of the impossibility of raising the revenue, in the first instance, from articles of consumption, and therefore he proposes to raise it from dead stock, till industry and wealth, and consequently consumption, so far increase as to yield a revenue equal in amount to that now derived from the land. And all this, he calculates, may be brought about in the course of fifteen or twenty years! As if people whom it is difficult, if not impossible, to convince that there is any value in a simple arrangement, by which security would be given to property, and stability to the relations subsisting between them and the Government, would all at once comprehend abstract and metaphysical deduction; as if religious prejudice, the long-established order of society, and ancient and rooted habits, would suddenly yield to reasoning, however persuasive, however forcible; as if, in short, a financial theory could possess virtue to call into being desires, wants, the means and the power of gratifying them, in a society enthralled by ignorance, indolence, and superstition.

172. The comparison instituted by Mr. Rickards between our system of Indian finance, (if by that is meant the system practised under the permanent settlement) and the *taille*, or tax upon the profits of stock employed in agriculture, formerly levied in France and other countries of Europe, is wholly unfounded: no two things can be more unlike. The taille, one would think, must have been copied from the old Mogul practice, so closely did it resemble it in all its details. In France, the assessments were made by elections and generalities, as they are made by villages and districts in the Guzzerat at this day, varying from year to year, according to the reports delivered in to the council in the former instance, as they are to the collector in the latter, concerning the respective abilities of these villages and districts, founded upon a survey of the state of the crops. In France also the deficiencies of one parish were made good by the other parishes in the election, just as a whole village in India was under the Moguls held responsible for the revenue payable by all its members; this coincidence is very remarkable; and when Doctor Smith, speaking of the taille, reprobated it as tending to discourage cultivation, and consequently to dry up the principal source of the wealth of the country where it obtained, he did not apply to it stronger language than we have employed in this very dispatch, in treating of the financial system established by the Mogul Government in the Guzzerat. It is neither our wish nor intention that this system shall endure; and when the revenue system now in force in Bengal shall have been introduced into Salsette and the other territories which have been lately annexed to the Bombay presidency, many of the evils for which Mr. Rickards proposes a remedy (indeed all which it is practicable to cure by any code of financial regulation) will be found no longer to exist.

Smith's Wealth of Nations, Book v. chap. 2.

173. That some time may elapse before this change can be brought about is probable from the indifference hitherto manifested by the inhabitants of Salsette, and also, perhaps, from a doubt on our part whether it would be safe to give up that security for realizing the revenue which we now possess by watching the crops and keeping them in our possession till it is paid. But Mr. Rickards's plan is still less likely to suit the taste and wishes of the inhabitants than that which we propose to them, because it is more difficult of comprehension and diverges farther from the line of their present habits, while at the same time it offers no additional security to the revenue.

174. From all these considerations we are decidedly of opinion that no advantage could result from Mr. Rickards' financial project, in so far as it proposes a commutation of the revenue from land to houses, which may not be better attained under our Permanent Settlement, and that the former is even liable to some weighty objections from which the latter is exempt.

175. There does not seem to be any thing in the plan proposed by Mr. Rickards for improving waste lands, when separated from the other branch of his scheme, deserving particular

No. 3. Revenue Letter (10 Jan. 1810) on Mr. Rickards' Essay and Minute.

cular notice. We hope, indeed, that means will be found of rendering them productive in a shorter period than fifteen years.

176. Of his suggestion to establish tanks and reservoirs in Salsette, with a view to promote the improvement of cultivation, we highly approve. We are happy also to find that a measure of this sort had engaged the attention of our Governor, and that he is employed in collecting information which may facilitate its execution. From his exertions, united to those of Mr. Rickards, we participate a result highly beneficial, not only to the agriculture of Salsette, but generally to our territories situated on the western continent of India, and placed under your administration. For any expense, therefore, which Government may be at in constructions subservient to this object, we have no doubt that we shall be able amply to reimburse ourselves by a reasonable assessment, after leaving to the cultivator a proportionate share of benefit. This source of improvement therefore we particularly recommend as fit matter to employ your utmost industry and zeal.

Letter from 14 October 1808. (Para. 2 a 6.) Referring to a Minute delivered in by Mr. Lechmere, containing his opinion upon the Essay and Minutes of Mr. Rickards, and communicating the Decision of the Board thereupon.

178. We observe that Mr. Lechmere coincided in opinion with our Governor upon Mr. Rickards' proposal. We certainly should have strongly disapproved of your proceedings had you attempted, without consulting us, to introduce a revenue system into Salsette, founded upon the principles already discussed. We are far from regretting even that Mr. Rickards declined availing himself of the latitude which you left him, to make an experiment of his system upon the waste lands of that island, or upon Caranja, convinced as we are that it would be attended with no advantages which may not be better attained by other means. A general retrenchment in the present revenue establishment is certainly very desirable, but we know no way by which this can be so well effected as under the Permanent Settlement, which when once introduced will, we trust, in great measure supersede the necessity of employing the long retinue of native agents now attached to the collector's cutcherry.

Para. 7. Adverting to Proposals received from some wealthy inhabitants of Bombay to become landed proprietors in Salsette.

179. You are already in possession of our sentiments respecting the general policy of arrangements of this sort, which we shall always be ready to sanction when formed upon an equitable basis.

No. 4.

Copy of a MINUTE recorded by Mr. *Colebrooke*, on the Revenue Consultations of *Bengal*, the 20th June 1808;—respecting the Extension of the Permanent Settlement to the Ceded and Conquered Provinces.

EXTRACT BENGAL REVENUE CONSULTATIONS, 20th June 1808.

Mr. Colebrooke's Minute.

No. 3. THE final Report of the late Board of Commissioners for the settlement of the Ceded and Conquered Provinces, dated 15th April, contains propositions of so much importance and so greatly at variance with the previous resolutions of Government, that in recording my opinion, I think it necessary to go at some length into the consideration of the reasons which have been urged by late Commissioners in support of their propositions. Those reasons, as far as they relate to the question of a permanent settlement, correspond so precisely with arguments which were fully and repeatedly discussed upon the occasion of the Permanent Settlements of Bengal and Behar in 1789-90, and the territories on the coast of Coromandel in 1799, that my task will be nearly confined to show their exact correspondence, and to refer to the former proceedings of this Government for the ample discussion which they underwent, and for the final decision which was passed on the merits of the question by the honourable Court of Directors.

2. I trust that arguments which were not suffered to weigh against a measure recommended by wise and enlarged views of policy, but not then promised to our subjects, will not be allowed greater weight at this momentous period against a similar equally recommended by liberal considerations of policy, and solemnly promised by an express declaration in a legislative act.

3. Govern-

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3. Government is pledged by the proclamation of 14th July 1802, 15th September 1804, and 11th July 1805, to conclude a permanent settlement with the landholders at the expiration of the periods there specified, for such lands as may be in a sufficiently improved state of cultivation to warrant the measure, on fair and equitable terms. It was judged expedient on full consideration of the subject, and with ample knowledge of the circumstances now alleged, to anticipate those periods; and accordingly in June 1807, the Governor General in Council notified to the zemindars and other proprietors, by Regulation X. 1807, that the jumma assessed for the last year of the ensuing settlement, shall remain fixed for ever, if they be willing to engage, and the arrangement shall receive the sanction of the Court of Directors.

4. The pledge which has been thus solemnly contracted, cannot be forfeited without such a glaring violation of promise, as would indeed lose us deservedly the confidence of the people. I do not mean to intimate that the obligation which has been voluntarily contracted is so indispensable, that no exception can on any consideration be admitted; some exceptions must unavoidably be made, and the postponement of the measure is not a matter of choice, but of necessity, in various instances which have been already under consideration, and which must become the subject of further deliberation. But exceptions should be admitted for only such reasons as are clear and intelligible even to the persons whom they concern. The general postponement of the measure, a twelve months after it was solemnly announced, and when so many steps have been publicly taken for carrying it into execution, would demonstrate a degree of fickleness which would be far from creditable to Government, even independently of the higher considerations of public faith.

5. The late Governor General, than whom no man was more conversant with the subject of a permanent settlement, which had indeed engaged a large portion of his attention within the last twenty years, deliberately resolved on accelerating the highly beneficial measure of a permanent settlement of the land revenues in the Ceded and Conquered Provinces, upon a comprehensive view of the interests of the Honourable Company, and of its new subjects. There is room for regret, that the gentlemen to whom the execution of that measure was committed, should have put into deliberation, not the best means for carrying it into effect, but the expediency of the measure itself, which they were selected to execute. Giving them all credit for their good intentions in the call which they made upon the collectors to canvass a legislative enactment of Government, I feel it my duty to say, that the attention of the revenue officers would have been better directed to the requisite preparation for the settlement which had been ordered, than to the discussion of its expediency upon partial views of a most important question, which had been already decided by the Governor General in Council.

6. The objections alleged by several of the collectors, as well as by the late Commissioners, against the immediate conclusion of a permanent settlement, are principally the imperfect knowledge yet acquired of the resources of the country, the inequality of the present assessment, the great proportion of uncultivated lands, estimated generally at a fourth of the arable lands, the deficiency of population and want of capital to extend the cultivation, the existing restrictions on commerce, the want of opulent consumers, the extent of resumable land yet unascertained, the necessity of continuing certain farmers in possession of their farms, the general uncertainty in regard to the proprietary right either at present contested or not ascertained, in respect of extensive tracts of waste land, the doubtful value of the standard coin, the risk of disappointment should the settlement be disapproved by the Court of Directors.

7. Lest this brief abstract should inadequately convey the reasons alleged, I beg that reference may be made to the recapitulation in the 210th and the following paragraphs of the late Commissioners letter, where they are stated at full length.

8. All these circumstances it will be remembered existed in Bengal. They were alleged partly as reasons against the conclusion of a permanent settlement, and partly as arguments for the immediate adoption of that measure, though now all marshalled against me.

9. The argument on which, if I mistake not, the late Commissioners chiefly rely, is, that the right of participating in future improvement ought not to be relinquished, because Government is in a manner the landlord and proprietor of a vast estate, the resources of which are not yet fully brought forth, and because no other productive source of revenue exists to supply the place of the future revenue, which would be abandoned by an immediate permanent settlement. The late Commissioners therefore propose the postponement of a permanent settlement for four years, after the expiration of which period mocurrery grants to be made to the proprietors of estates which have attained a high state of cultivation. But where the resources have not been brought forth, the settlement to be made on a russud or increasing jumma, and the assessment of the last year, whenever circumstances may permit, to be declared fixed for ever.

10. The motive of this proposition is explained, where the late Commissioners estimate one quarter of the arable lands to be yet uncultivated, and conclude that 75,00,000 rupees per annum would be relinquished, if the demand of Government be now limited to the present available jumma, of 2,25,00,000 rupees.

11. It appears from instructions issued by the late Commissioners to the collectors, as well as from several passages in the Report now under consideration, that they consider 10 per

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cent. to be a sufficient allowance for the landholder, both for income and charges of collection, and that the landholders are not at present supposed to realize more.

12. Without offering any opinion on the correctness of those estimates, I shall contrast them with the declared intentions of Government, in regard to the landholders of Bengal, when the permanent settlement was concluded in this province.

13. Mr. Shore, (now Lord Teignmouth) whose diligence of research, and whose thorough knowledge of the revenues of Bengal are universally acknowledged, and need not the tribute of praise, estimated no less than a third of the amount received from the cultivator, for the charges of collection and intermediate profit between Government and the raiat. This estimate is quoted and confirmed as corresponding with experience on the coast of Coromandel, by the Board of Revenue at Fort St. George, in the very able Report of that Board, dated 2d September, 1799.

Minute, the 18th June 1789. p. 109.

14. It was with the belief that a third part of the collections made from the cultivator were applicable to the charges of collection, and the support of the zemindar, that the assessment in Bengal and on the coast of Coromandel was fixed for ever. At the same time Lord Cornwallis estimated no less than a third part of the Company's territory to be a jungle, and the researches in which I was engaged at that period, furnish me with grounds for the opinion that the estimate may, with great approximation to accuracy, be understood as applicable to lands fit for the cultivation, and totally exclusive of lands barren and irreclaimable.

Minute of 18th Sept. 1789.

15. With this opinion as to the extent of the uncultivated lands, Lord Cornwallis, far from desiring to reserve any right to participate in future improvement, argued strenuously against the pretension, and in these memorable words: "If the idea of permanency is to be "withdrawn from the settlement now in agitation, of what avail will the power of Mr. "Shore's arguments be to the zemindars, for whose rights he has contended." "They are "to have the property in farm for a lease of ten years, provided they will pay a good rent "for it; and this property is then to be again assessed, at whatever rent the Government of "the country may at that time think proper to impose. In any part of the world where "the value of property is known, would not such a concession of a right of property in the "soil, be called a cruel mockery."

16. The sequel is no less forcible and convincing; but it may be sufficient to refer to that important document for the powerful arguments by which Lord Corwallis demonstrated the propriety of declaring the settlement permanent. His observations on the power reserved to the Court of Directors, of confirming or annulling the settlement, are no less important, and bear directly upon the subject now under consideration.

17. The power of making a perpetual and irrevocable settlement of a great empire, without being subject to the revision of the controlling authority at home, would, in my opinion, have been too great to delegate to any distant government. I cannot, however, believe, that the Court of Directors would hold out the flattering hopes of a permanent settlement, which alone, in my judgment, can make the country flourish, and secure happiness to the body of the inhabitants, unless they had been pre-determined to confirm the perpetuity, if they found that their servants here had not failed in their duty, or betrayed the important trust that had been reposed in them. Nothing, I am pursuaded, but our expressing doubts and fears, can make them hesitate; and as I have a clear conviction in my own mind of the utility of the system, I shall think it a duty I owe to them, to my country, and to humanity, to recommend it most earnestly to the Court of Directors to lose no time in declaring the permanency of the settlement, provided they discover no material objection or error, and not to postpone for ten years the commencement of the prosperity and solid improvement of the country.

18. Before I quit the subject of the Court of the Directors sanction, I must be indulged in one more quotation from the same Minute. It is not for the purpose of taking shelter under a great and revered name, that I shall quote from Lord Cornwallis, instead of arguing on new grounds, or in new words; but because the answers by him given to the objections which are now revived, have received the seal of the approbation of the Company's administration at home.

19. Mr. Shore had stated, that if after the notification that the settlement, if approved by the Court of Directors, would be declared permanent, the Court of Directors should not declare the permanency, the confidence of the natives in general would be shaken, and those who relied on the confirmation would be disappointed, and conclude that it was meant to deceive them. Lord Cornwallis replies, "I can only say in answer to this objection, that I can-"not believe any people to be so unreasonable as to accuse Government of a breach of faith, "and an intention to deceive them, for not doing what Government in express terms "assure them it is not in their power to promise to do, as it must depend on the appro-"bation of their superiors."

20. Entirely concurring in the sentiments here expressed, and in the conviction that the uncontrolled power of fixing an irrevocable assessment ought not to be delegated by the controlling authority at home to a distant government, and that the ratification of the Court of Directors will not be withheld from the permanent settlement which may be concluded, unless they discover material error in it; I can see no sufficient reason for the

previous

previous reference recommended by the Board of Commissioners, were it even still a matter of choice, and the question now for consideration were, whether the intended permanency of the settlement should be notified or suppressed.

21. But the subject of participation in the future improvement to be expected from the cultivation of waste lands, is not new to the Court of Directors. A doubt was expressed by the honourable Court, in their general letter of 19th September 1792, on this point: "If the "different proprietors should be allowed to avail themselves exclusively of the whole benefit to "be derived from the land, (at present left uncultivated) in the improved state of cultivation "which the new system has an evident tendency to promote, such a circumstance may in "process of time add very considerably to the value of possessions already too large. It is "besides to be considered, that if it can be effected without counteracting the principal object "of encouraging industry, Government may fairly expect in due time some reasonable par-"ticipation in the wealth arising from such a source." The honourable Court afterwards remark, that the subject is connected with points of considerable delicacy; and add, "nor "should we be inclined to adopt it, if it should on due consideration be thought to break "in upon the principle of permanent property in the present landholders, or should appear "likely to discourage or retard the progress of cultivation."

22. It was among the last duties of Lord Cornwallis's administration to reply to the Court's letter. The general letter of 6th March 1793 expresses, "with respect to the suggestion "concerning waste lands, we do not hesitate to offer it as our opinion, that any attempt to "stipulate for a proportion of their produce, would greatly counteract, if not wholly damp "that spirit of industry and improvement, to excite which is the great object of fixing "the tax upon each estate." 6th March 1793.

23. After distinguishing two sorts of waste land, 1st. those in the level country, interspersed in more or less extensive tracts among the cultivated lands; and secondly, the sunderbunds and the foot of the vast range of mountains which nearly encircle the Bengal provinces, it is observed:—

24. "The first-mentioned description of waste ground will be easily brought into "cultivation when the zemindars have funds for that purpose, and provided they are certain "of reaping the profits arising from the improvement. These lands, however, are not wholly "unproductive to them at present; they furnish pasture for the great herds of cattle that "are necessary for the plough, and also to supply the inhabitants with ghee and milk, "two of the principal necessaries of life in this country. It is true that the lands in this "desolate state, far exceed what would suffice for those two purposes; but it is the ex-"pectation of bringing them into cultivation, and reaping the profits, that had induced many "to agree to the decennial jumma, which has been assessed upon their lands. It is this "additional resource alone which can place the landholders in a state of affluence, and enable "them to guard against inundation or drought, the two calamities to which the country must "ever be liable, until the landholders are enabled to provide against them (as we are of "opinion they in a great measure might) by the abovementioned and other works of art. "To stipulate with them, therefore, for any part of the produce of their waste lands, would "not only diminish the incitement of those great and essential improvements in the "agriculture of the country, but deprive them of the means of effecting it. The landholders "and cultivators of the soil would continue (as they have hitherto been) little more than "the farmers and labourers upon a great estate, of which Government would be the land-"lord. In endeavouring therefore to obtain an addition to the public income, by "reserving a portion of the produce of the waste lands, Government would risk the "realizing of the very ample revenue which has been assessed upon the country; and "landed property would continue at the very depreciated value which it has hitherto "borne."

25. It may not be superfluous to observe, that the Board of Revenue at Fort St. George, in their Report dated 2d September 1799, quoted this reply, as equally applicable to the waste lands on the coast of Coromandel, upon which they remark with regret, "that the proportion is very considerable;" and the Governor General in Council on the 31st of December 1799, authorized the Governor in Council at Madras "to adopt the principles laid down in that "reply, as the rules of their guidance with regard to waste lands."

26. Thus, upon the important occasions of the permanent settlements of Bengal and Behar, and of the territories on the coast of Coromandel; and after mature deliberation, a claim of participation in the future improvement of the waste lands was relinquished, to a greater extent than the proportion at which they are computed by the late Board of Commissioners in the Ceded and Conquered Provinces.

27. The happy result of the measure is now witnessed in Bengal: the reviving prosperity of the country, its increasing wealth and rapid improvement, are unquestionably due to the permanent settlement, the principle of which was so wise, that even the serious errors which were committed in filling up the outline of the plan, could not ultimately disappoint its views.

28. But the Commissioners argue, that we were better prepared for the measure in Bengal; that land is here more easily cultivated, water more readily procured, wells and public works unnecessary, capital seldom required.

29. That

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29. That is not the picture of Bengal, as then drawn: a reference to the minutes recorded by the members of Government will show, that the same representations were then made respecting the deficiency of information, the uncertainty of the proprietary right, the poverty of the landholder and cultivator, the scantiness of population, the decline of agriculture, and the depreciated value of landed property. A permanent settlement was the proposed remedy of those evils; and it must indeed have been postponed for ever, if it waited until they were remedied by other means.

30. Of all the objections which were then urged, the most serious was drawn from the still imperfect knowledge possessed by Government respecting the real resources of the different districts, and regarding the respective rights of the different classes of landholders and tenants, and the consequent extreme difficulty of distributing the assessment on the several districts with the requisite equality, and securing to the great body of proprietors and occupants the undisturbed enjoyment of their rights. A similar objection is repeatedly urged with great earnestness by the late Board of Commissioners, and by the collectors of the Ceded and Conquered Provinces; it was urged no less strenuously in Bengal, after twenty years had been employed in successive investigations, and three years had been especially devoted to enquiries preparatory to the decennial settlement. Were the permanent settlement of the Ceded and Conquered Provinces now postponed, the same objection would be again advanced with equal force and truth at the expiration of four years, or of any greater period whatsoever. The deficiency of correct information is the unavoidable consequence of the system under which the revenue is administered; persons of every description are interested, or think they have an interest, in withholding information, and suppressing the truth. Apprised of this disposition to baffle their enquiries, the officers of Government can place no reliance on the information which they receive, though it may happen to be correct. Under a different system, in which the adjustment of the rent demandable from the cultivator would be the immediate duty of the officers of Government, and a first step towards a settlement of the revenues, accurate information would be collected in a long series of patient surveys. But it is not now a question, whether the influence and authority of all intermediate orders of men between the ruler and the cultivator shall be suspended; the settlement, even if temporary, must be made in the first instance with landholders or with farmers; and the intervention of those, and of amils or tehsildars, must prevent the acquisition of accurate knowledge respecting the real resources of the lands. Minute scrutinies would be vainly undertaken; they would harrass the people, with no real benefit to Government; and without such minute and vexatious scrutinies and measurements, the same complaints of the insufficiency of information obtained from general enquiries, or from accounts of doubtful accuracy, would be made at a future period as at present.

31. After the lapse of eighteen years, we are now enabled to pronounce with certainty on the solidity of the objections which were urged against the permanent settlement of Bengal. That the distribution of the assessment was not originally equal, is indisputable; that it is now equalized, will not be asserted; but experience has not shown that the inequality of assessment has been productive of those evils which were then foreboded, and which are now again anticipated, in regard to other provinces.

33. I appeal to this experience in preference to any speculative argument. The design of the permanent settlement in Bengal has been fully answered. It was the wish of the Company's administration at home, as well as of the Government in Bengal, to limit the demand of land revenue, and fix its amount on a moderate scale; it was computed that the assessment left, not ten per cent. but fifty, on the sudder jumma, for the charges of collection and income of the proprietors; it was estimated that the landholders income alone amounted to ten or fifteen per cent.; it was expected that the improvement of estates by the culture of waste lands, would enrich the landholder by the increase of his usual income, and enable him to meet the variations of seasons and temporary calamities of drought and inundation, without needing remissions of revenue.

34. Those expectations have been realized; and if the persons whose benefit was immediately intended, have not generally profited by the beneficence of Government; if a great change have taken place in the property and occupancy of the lands; this event, though much to be lamented, has arisen from extrinsic causes; and it remains an undoubted truth, that the landholders of Bengal are now in the enjoyment of an aggregate income, not indeed greater than the author of the measure contemplated, but exceeding their former profits by more than the amount which the late Board of Commissioners think too great reward of future improvement in the hands of the land proprietors of the Ceded and Conquered Provinces.

If a permanent settlement on a moderate scale of assessment, leaving to the landholder the whole benefit of future improvement from the cultivation of waste lands, was in Bengal a judicious measure, which justice called for, which the policy dictated, and which the interests of the Company countenanced, how much more is a similar measure recommended by like considerations in regard to our new territories. It is of the utmost importance; it is essential for the safety of the state, to conciliate the great body of the landed proprietors, to attach to the British Government that class of persons, whose influence is most permanent and most extensive; to render it their palpable interest to uphold the permanence of the British domination; to give them a valuable stake in the present administration of the country. This can be in no other way accomplished but by creating for the proprietors or

possessors

possessors of the soil, a beneficial interest, which emanating from the British Government, would increase with its duration. The landholders enjoying their estates under a moderate assessment fixed in perpetuity, are not ignorant that a change of Government would be followed by the exaction of an enhanced assessment: love of novelty may blind some, dissatisfaction with the local administration may indispose others, some may be turbulent by inclination, others may be restless by habit. But the greater number, sensible that they benefit by the continuance of the British authority, would be little disposed to listen to the suggestions of disaffection. If on the contrary the utmost revenue be exacted, the landholders have nothing to fear and every thing to hope from a change, and the consequent impulse to promote the event, will be permanently added to the other causes of indifference or disaffection which have been pourtrayed by the Board of Commissioners.

35. This has been viewed in a very just light by the late Commissioners when the settlement of Zillah Agra was under their consideration. And though there be no inconsistency in their taking a different view of the subject as relating to other districts, I cannot think that the distinction is well founded. At this period especially (could there have been at any time a doubt) every part of our Indian possessions must be considered as exposed to the same hazard and the same means of conciliation tending to ensure internal tranquillity; what are expedient in a frontier district are advisable in all; and a limitation of the demand of revenue, from which salutary effects are expected in the one, cannot be less productive of good consequences in the others.

36. This point, as of the highest importance, deserves ampler illustration. It may be drawn from past experience.

37. During the late war in Hindostan, the necessity of retaining a large force within the Company's territories, left but a small portion of a great military establishment applicable to active operations. It will be remembered that the safety of the state was thought to have been more than once hazarded in engagements fought under great disadvantage of numbers against an enemy essentially inferior, but who was able to bring his whole force into action, while a small part only of the British strength could be put forth against him. In future wars, the same necessity must again recur (I need not say how much to be deprecated) if the internal tranquillity of our provinces have not in the mean time been placed on a securer basis than that on which it then rested. But it is only by conciliating that class of men, whose conduct and disposition, whose influence and example must determine the character and condition of the people, that the tranquillity of the country can be secured. I allude to the zemindars, who are unquestionably the persons possessing most natural influence and effective power over the minds of the people: it is only by conferring on them the benefit of a permanent assessment of the land revenue, that that great body, consisting not of a few individuals, but of the numerous landholders of the country, may be suddenly and effectually gained.

38. It appears to be a very prevalent opinion, that the British system of administration is not generally palatable to our Indian subjects. Admitting this opinion to be not unfounded, it follows, that while they taste none but the unpalatable parts of that system, and while the only boon which would be acceptable to them is withheld, the landed proprietors, and with them the body of the people, must be more and more estranged from the Government, in proportion to the expectations which they had formed, and the disappointment which they will have experienced.

39. In Bengal, where the national temper is indeed less turbulent; in Behar, and in Benares, where the popular character and disposition are the same as in the western provinces, the permanent settlement has been long since tried with ample experience of its benefits; no disaffection, no discontent, are there supposed to prevail among the landholders and peasants. Is it credible that the zemindars, who have the experience of a moderate and fixed assessment, should be so insensible to the advantages which they enjoy, or so ignorant of the consequences which would follow, as to desire or in any way promote a change?

40. In fact no apprehensions have been entertained for the public tranquillity, on withdrawing the military force from those provinces. And whenever the internal peace of the Ceded and Conquered Provinces shall be as well secured, nearly the whole military establishment will be available for the purposes of active warfare. No measure would more essentially contribute to this very desirable end, than that of a permanent settlement; and even if it be attended with some sacrifice of future revenue, that would be more than compensated by an increased efficiency of military strength, giving a greater disposable force in war, or permitting greater reductions of expense in peace.

41. Neither can it be admitted that the relinquishment of a claim to participate in the future improvement of landed estates, is an entire sacrifice of the revenue. Though concurring in many of the observations of the Board of Commissioners on the subject of transit and excise duties, I cannot think it would be unreasonable to attribute the productiveness of the salt revenue and abkaree in Bengal and Behar, to the increased opulence of the country, ascribed to the permanent settlement as the principal cause of its general prosperity. In the increase of the revenue from unexceptionable sources, the Company have ample compensation for the doubtful expectation which was abandoned. In these observations I do not mean to hint a propostion for renewing the attempt, which was unsuccessfully made to establish a salt monopoly in the Ceded Provinces. The form of it was injudicious,

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and the attempt to obtain a large revenue from salt, was premature. But it does not follow that, at a future period, a judicious plan may not be devised for levying a large revenue upon that necessary of life. In most countries it is heavily taxed; and it is almost the only necessary that can be taxed with propriety and effect, in the present state of society in India. Where the opulent indulge less in personal enjoyment of luxuries, than in maintaining numerous attendants, no productive sourse of revenue can be looked for, except an impost on an article of primary necessity.

42. I shall only state one further reason for a decided opinion in favour of persevering in the proclaimed intention of immediately concluding a permanent settlement for the Ceded and Conquered Provinces. I allude to the abuses to which temporary settlements are liable, and which indeed have been usually attendant on them. The Board of Commissioners express themselves as aware that temporary settlements are harrassing, and afford opportunities of frauds. They describe the possible misconduct of public officers, in language which has greatly the appearance of pointed allusion; Government has not before it the grounds of judging whether abuses, which are possible, and indeed probable, have been practised to a great extent; there certainly is no sufficient preventive, nor any effective remedy, against abuses, without a permanent assessment of the revenue; and the purity of the civil service of the Company on this establishment, which was fixed in a basis apparently secure, by the system of administration established by Lord Cornwallis, would be inevitably lost in the long continuance of temporary settlements of the revenue in the extensive provinces above Benares.

Para. 226.
Dº - 151.

43. For this and for other reasons, which have been here imperfectly stated, but which are fully set forth and amply illustrated in the copious minutes which were recorded on the settlement of Bengal, I am clearly of opinion, that the proposition of the late Board of Commissioners, for the general postponement of the permanent settlement for a period of four years, which upon the same ground on which it is proposed, would lead to a further and indefinite postponement, should not be adopted, and that the measure should be carried into effect in every practicable instance, conformably with the provisions of Regulation X. 1807.

Para. 227.
Dº - 261.

44. The proposition of the Board of Revenue, next in importance, is for the continuance of the tehsildars on the former footing; this proposal is stated contingent on the postponement of the permanent settlement. It will consequently be unnecessary to discuss the reasons of it, under a contrary resolution respecting that question.

45. I am glad however to observe so strong testimony borne by the Commissioners in favour of the general character of the present tehsildars. From the knowledge which the course of judicial functions had given me of the tehsildars of Benares, Allahabad and Goruckpore particularly, and of the western Zillas in general, I had a less favourable impression of their character and conduct; but independently of this consideration, the power with which they are invested was unnecessarily great, and inadequately controlled, and the intervention of such a class of persons between the landholders and the officer representing Government, appears highly objectionable.

46. In regard to the expected economy from the change of system, it will be recollected that the Court of Directors have disapproved the magnitude of the revenue charges under the government of Fort St. George, and that the amount of the charges, as remarked by the late Government of that Presidency, is very short of the expense of collection in the ceded and conquered provinces. A reduction of the charge has been promised by us, and will no doubt be expected by the Court of Directors, and the amount of the saving to be looked for from this source, cannot be rated at less than 10 lacs of rupees.

47. Another proposition of serious importance brought forward by the late Board of Commissioners, is the rescinding of Regulation XI. 1793, and enacting a law by which estates, not exceeding 500 rupees, shall go to the eldest son to the exclusion of the rest. If the Regulation above cited, which abrogated the special customs of families in regard to the inheritance of land, were now first proposed, I should, without hesitation, vote against that interference with established. But it is late to rescind a law which has been in force for nearly fourteen years. I think it much more objectionable to interfere, as is now proposed, with the general law of inheritance, and in opposition to the usages of the country; we must beware of lifting a rash hand against civil institutions, which are sanctified by their association with the religion and dearest prejudices of our native subjects.

Sic orig.

48. Very minute subdivision of landed property is no doubt inconvenient to Government. But other means may be devised of remedying the inconvenience, without interfering with the law of inheritance, and without excluding co-heirs and co-partners from the enjoyment of their several rights. Regulation VI. 1807, does not, to my apprehension, provide the proper remedy. But the consideration of this subject does not press for immediate attention.

49. I am happy to concur entirely with the Board of Commissioners, on the expediency of revising the Regulations concerning different classes of landholders and tenants, and prescribing definite rules for determining claims to property in the soil. Instructions have been issued on this subject to the Board of Commissioners, and information from them may be early expected. It may however be proper to draw their attention again to this very important subject.

50. It would be wrong to prejudge the question of the concurrent rights of talookdars and zemindars. It ought to be decided on considerations of justice and preferable right, and not on those of policy and expediency. But if the scale of justice be so equally balanced as to leave room for the admission of other considerations, I am disposed to think, that expediency might incline the scale in favour of the village zemindars against the superior talookdar.

51. The inferior class of landholders in the Ceded and Conquered Provinces, appears from such information as is at present before Government, to be precisely similar to the village zemindars of Benares, and maliks of Behar. The talookdars correspond to the pergunnah zemindars of both these provinces. The preference was there given to the village zemindars, but that did not operate to the extent of entirely depriving the superior landholder of his estate. The greater part remained to him, as also happened in the case of the separation of inferior talookdars in Bengal, except perhaps a few instances, or a solitary one, in which nothing remained to the superior landholder, and here the liberality of Government interposed for his relief.

52. Considering the hazard which may attend the measure of depriving the powerful talookdars in zillahs Allighur and Saharunpore, of the farms held by them, the late Commissioners suggest, that the settlement may be made with them as amils, under a stipulation requiring them to grant pottahs to the inferior zemindars at fair and equitable rates, and under a prohibition to the judicial and revenue officers, against interfering on trivial occasions. Para. 259.

53. It is known to every judicial offieer in Bengal, that the provisions in the Regulations for preventing undue exactions from department talookdars, have proved totally nugatory, though the courts of justice are open to them for recourse. The proposed stipulations would not be more efficacious, and would be a very illusory fulfilment of that guarantee of private rights, which in the Commissioners opinion, it would be contrary to all principle in any case to suspend.

54. I am by no means satisfied that any necessity exists for continuing the powerful talookdars in possession of all their farms. They do not pretend to have received any permanent grant of them, or to possess any proprietary right to them That they will be best pleased to retain them on the advantageous footing which they at present enjoy, cannot be questioned. That they would be provoked to rebellion or irritated to disaffection by the refusal to renew their recent farms, may be doubted. But even if it be necessary or advisable to conciliate these powerful chieftains by so great a sacrifice of public revenue, it would be much more for the interest of Government to grant them their entire estates in Jageer, in lieu of the more extensive farms held by them for an inadequate tribute. Their local influence would be thus restricted to narrower limits; the hazard of irritation from the interference of revenue and judicial officers would be greatly diminished; the sacrifice of the public resources would be not augmented; and Government would be at liberty to fulfil with sincerity its guarrantee of the rights of landholders.

55. The late Commissioners propose, that clauses of the Regulations, under which the claims of farmers and landholders to be admitted to the settlement are maintained, should be revised and explained. I am not aware of any objection to this proposal, and considering how much doubt has been entertained, and how desirable it is that no room should be left for misconstruction or for any strain in favour of one description of persons to the injury of another, I think it may be right to introduce into the intended Regulation, a declaration of the true meaning of the clauses in question. Para. 257.

56. I cannot omit to remark in this place an extraordinary misapprehension of the Regulations, which appears in the Report of the collector of Etawa, transmitted by the Board of Commissioners. He says, that "as the Regulation for the guidance of collectors allowed "no discrimination beyond the fulfilment of engagements on the part of the zemindars or "farmers, with whom the 2d settlement was in all cases to be concluded, he could not in "any case eject the farmers. He could only refer the claimants to the adawlut, but he made "it a rule to require an engagement from the faremr, that, if the zemindar should obtain "a decree, the farmer should account to him." The collector had here totally lost sight of the 7th section of the Regulation to which he alludes, (Regulation V. 1805) where provision is expressly made for the admission of the zemindars conformably with a former Regulation (Regulation XXV. 1803, section 33) and he had forgotten that the Court at that period had no power to decree immediate possession to the zemindar, and dispossession of the farmer, in any other case but where it was already the collectors duty to admit the zemindars in preference to the farmer. Para. 42.

57. There is some appearance of a misapprehension of the same kind in the Commissioners observations on the question between the zemindars and farmers, where they argue, that the zemindars, who declined the first settlement, voluntarily submitted to the consequences (of being excluded, not for the three years, but for ten), and especially where the Commissioners cite Regulation XXV. 1803, section 29, as directing the 2d and 3d settlements should be made with the same persons, whether zemindars or farmers, and as holding out the advantages of a long lease indiscriminately to both landholders and farmers. Para. 134. D° - 139.

No. 4. Mr. Colebrooke's Minute, on extension of the Permanent System to the Ceded & Conquered Provinces.

58. Another proposition of the Commissioners regards a regulation intended for the security of sureties, by giving to them the right of mortgages when they have been compelled to make good the revenue for which they were answerable, and authorizing the collector to give them possession after a summary enquiry.

59. Though consideration be undoubtedly due to sureties whom the bad faith of the landholders has subjected to heavy responsibility, I entertain some doubt of the propriety of creating by regulation a contract not in contemplation of the parties. It may however be advisable that the opinion of the Sudder Dewanny Adawlut, and present Board of Commissioners, should be taken on the proposed enactment.

60. I have felt so much concern in the necessity of repeatedly expressing my dissent from the propositions of the late Board of Commissioners, that I have a sincere gratification in passing to other propositions which have my unreserved concurrence.

61. Sales of land for arrears of revenue, should certainly be avoided to the utmost practicable degree. I entertain a hope, that means may be devised for the recovery of arrears, without recourse against the person of the defaulter, or the property of his estate. The Regulations for Benares, contained provisions adapted to that purpose; and unless it appear on enquiry that they have been neglected for sufficient reasons, I should recommend the revival of them in that province, and the extension of similar provisions to the western provinces.

Para. 262.

62. The Board of Commissioners recommend a more efficient authority in the Ceded and Conquered Provinces, to afford security to the people, and guard the interests of Government. This is desirable, not only only for the immediate purpose hinted by them, but for the important end of conciliating our new subjects, who are acquainted with their British rulers, in none but the invidious characters of lawyers and tax-gatherers. They see only judges administering obnoxious laws with undiscriminating rigour, and collectors exacting the utmost revenue with uncongenial punctuality. We cannot, perhaps, establish any controlling authority, which is not connected either with the revenue, or with the administration of law. But I am willing to believe, and an incidental remark of the Commissioners authorizes me in the belief, that the Court of Appeal may be less unpopular than the District Courts, and that a permanent controlling authority in the revenue branch, would be conciliatory and useful.

63. I shall conclude by declaring my concurrence in the Commissioners recommendation, that steadiness, moderation, and justice should be the features borne by the administration of Government. But it is not by abandoning a measure diliberately resolved on, and beneficial to our subjects, that we shall approve our steadiness. It is not by grasping at the highest revenue, and wringing from our peasants the utmost rent, that we shall evince our moderation. Nor is it by depriving the sons of our petty landholders of their birth right, that we shall demonstrate our sense of justice.

(Signed) H. COLEBROOKE.

No. 5.

EXTRACT of a Letter from the Governor General in Council of *Bengal*, in the Public Department; dated the 30th June 1809:—PARAGRAPHS 109 to 117, both inclusive; together with the Papers referred to therein.

PROCEEDINGS of the Right Honourable the Governor General in Council, relative to Mr. *Rickards*'s Proposition for establishing a General Bank, and other Financial Arrangements.

EXTRACT of PUBLIC LETTER from BENGAL; dated 30 June 1809.

Para. 109.

ON the Proceedings referred to in the margin, your Honourable Court will find recorded several letters from the Government of Bombay, referring for our consideration, various suggestions and plans submitted to them by Mr. Rickards, at present a member of that Government.

Pub. Cons.
6 May 1808.
29 July —
9 Sept. —

110. The principal measure proposed by Mr. Rickards, is the establishment of a General Bank, whose operations shall extend throughout India; but as we were sufficiently acquainted with the sentiments of your Honourable Court on this subject, and as the ideas of Mr. Rickards appeared to us to resolve themselves into mere speculation, without embracing objects capable of being realized, while the machinery proposed by that gentleman for the performance of a very simple operation, was extremely cumbrous and complicated; we thought it sufficient to point out to the Government of Bombay, that no public Bank could be established without the sanction of your Honourable Court: to whose consideration, therefore, Mr. Rickards's plans, if persevered in, must, we observed, be submitted.

111. Connected with the plan of a General Bank, Mr. Rickards proposes the institution of a Sinking Fund; but your Honourable Court are aware that such a fund has long been established, both at this Presidency and at Fort Saint George; although, from the circumstance of the public securities having risen so much in value of late, the Commissioners at this Presidency have been obliged to suspend their operations.

112. Mr. Rickards does not suggest any means of raising, from any independent source, the supplies which might be required for a Sinking Fund; except indeed by retrenchments, which he is of opinion may be made from the allowances of the native officers at the different Presidencies; but if the reductions pointed at by Mr. Rickards can be effected, without injury to the public service, they ought of course to be made without any particular reference to the objects to which Mr. Rickards would propose to appropriate the saving.

113. At this Presidency your Honourable Court are apprised that the public establishments have undergone repeated revisions, and you were lately furnished with the Report of a Committee, who were appointed by us to revise the establishments, with a view to effect every practicable reduction of charge; but with respect to the allowances of the native officers employed under this Government, we are far from thinking that they are, in general, upon too high a scale, or that the expense of this part of the public establishments can with propriety be reduced. We except from this remark the tehsildarry establishments in Benares, and in the ceded and conquered provinces, in which it is expected that considerable reductions will be effected at an early period.

114. Mr. Rickards, in a Minute which your Honourable Court will find in our Proceedings of the 29 July 1808, proposes that the annual supplies required by the Government of Bombay should be obtained by bills on Bengal, rather than by raising

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loans at Bombay; and the argument on which that gentleman's proposition is founded, assumes, that a public debt having always the effect of raising prices, it must necessarily occasion inconvenience and disadvantage to every description of annuitants, as well as to the Government itself.

115. But Mr. Rickards, in this proposition, seems to have overlooked, that the alternative suggested by him might have no other effect than to transfer the inconvenience apprehended, from Bombay to Bengal; for unless there should exist at the time a fund at this Presidency quite sufficient to meet all the demands from Bombay, whether for the discharge of debt or otherwise, the drafts from that Government might have imposed upon us the necessity of raising loans under the very same circumstances which Mr. Rickards so strongly deprecates as having an injurious tendency at Bombay.

116. When that gentleman's proposition was first submitted to this Government, it did not appear to us that the whole annual supply required at Bombay could be conveniently provided for in Bengal; but as the state of our finances has since that period greatly improved, and our present resources will enable us to meet any demands which can be expected from Bombay, we have deemed it expedient to recommend to that Government to raise as large a proportion as possible of the funds required by them, by bills upon this Presidency. In recommending this arrangement, we proceeded upon the presumption that there is at present a surplus revenue in India applicable to the discharge of debt, after providing for the public disbursements at all the different Presidencies; nor did we consider it at all necessary to advert to considerations connected with the question of prices. It was simply obvious that it must be to the advantage of the Honourable Company, that any existing surplus should be drawn to that quarter where funds might be required, or where they could be best appropriated to the discharge of existing debt.

117. Mr. Rickards, we are persuaded, was actuated by the most laudable motives in bringing forward his different plans; and although speculations of the kind do not always lead to practical results, the spirit of inquiry should not be discouraged while it proposes to itself useful objects.

EXTRACT of the BENGAL PUBLIC CONSULTATIONS; dated 6th May 1808.

Government of Bombay, Political Department.

To the Right Honourable GILBERT Lord MINTO, Governor General in Council, at Fort William.

My Lord,

1st. WE have the honour to forward the copy of a letter addressed to us by Robert Rickards, Esquire, a civil servant on this Establishment, who arrived some months ago from England, appointed by the Court of Directors to succeed to the first vacancy in Council.

2d. This address being, with its accompaniments, so fully explanatory of the very important subject of which it treats, we are persuaded that it will be rendering an acceptable service to our honourable employers, and to the public, to submit it, in the channel of its present transmission, to that superior authority which can alone, if approving of the plan it delineates, give it also due effect.

3d. We have understood that some, or all, of the agency houses, who may be esteemed as at the head of the monied interest of this Settlement, would probably be disposed to promote the object of the proposed Bank, as far as respects the limits of this Presidency.

We have, &c.

(Signed) *Jo^n Duncan,*
Lt Corkran,
Thos. Lechmere.

Bombay Castle,
the 22d October 1808.

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To the Honourable JONATHAN DUNCAN, President and Governor in Council, &c. &c. &c..

Honourable Sir,

AN humble attempt to promote the public advantage, and that more particularly of the Honourable Company's Government in India, will, I trust, be indulgently received by your Honourable Board.

Having, since my re-appointment to India, reflected much on the financial state of the Indian Governments, the amount of the public debt, the difficulties it is likely to entail, and the danger of its increase, a Plan has suggested itself of diminishing the weight of this heavy burthen; connected with other public advantages; which I venture to submit to the favourable consideration of Government, and that of the Court of Directors.

As in the vouchers A to E, I have endeavoured to explain every difficulty, and obviate every objection, it would be superfluous to add any thing on the subject here, further than to hope, that as it involves the most intricate and abstruse part of the science of Political Philosophy, my errors may be pardoned, in consideration to the motives which have actuated the attempt.

I have, &c.

(True Copy) (Signed) *R. Rickards.*

(Signed) *F. Warden,* Chief Secretary to Government.

(A.)

OUTLINES of a PLAN for paying off the INDIAN DEBT.

1. Suppose the debt 20 million*, desired to be reduced to 6 million.

2. Constitute a General Bank, and make over to it, for the security of its issues in notes, territory or territorial revenue to the amount of one million sterling per annum, to be paid in coin: this security to be inviolable under whatever exigency, and to be proclaimed as such in the most solemn terms. Divide this Bank into three; one at each Presidency, with a proportionate share of the above-mentioned security settled on each; the notes of each to have a prescribed local currency; and the amount in circulation to be always limited by the decision of the Bank Directors, independent of Government.

3. Although the Bank be thus divisible into three, one at Calcutta, one at Madras, and one at Bombay, which is an easy after-arrangement, let it, to avoid confusion of ideas, be considered as one General Bank throughout the remainder of the plan.

4. Let the capital stock then of this General Bank be called £. 12,500,000, yielding a certain annual income of one million, or 8 per cent. on this nominal capital.

5. Advertise the bank-stock for sale in the market, to be paid or subscribed for either in coin or in the Company's paper now in the hands of their creditors.

6. Bank

* This sum is stated more with a view to easy calculation, than to the actual amount of debt. The debt is considerably more; but if the principles of this Paper are correct, they will be found equally applicable to any other amount.

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(A.)

6. Bank-stock yielding a certain net 8 per cent. settled on the best of all securities, will I presume be deemed very acceptable property, and therefore readily purchased, more particularly if the business of the Bank (to be hereafter described) shall be profitable over and above the expenses of it. Of the merchant stockholders, a certain number, both European and native, are then to be elected directors of the Bank, conjointly with an officer of Government, or a member of Council,* as may be thought best, under whose united management, the business of the Bank is to be conducted.

7. But of the bank-stock above specified, *about two-thirds of the whole amount, or* £. 8,500,000 only, should be sold: this will dispose of an equal amount of the present debt, supposing the whole to be subscribed for in Company's paper; if any part be paid for in cash, a corresponding proportion of the debt may be paid off: but this is not likely while there is paper in the market; so that we may here consider £. 8,500,000 of the present debt to be converted into bank-stock, in the hands of individuals, the remainder, or four millions, will be Government's share, for purposes to be hereafter mentioned.

8. The Bank thus constituted to be conjoined with the Company's Treasury in the receipt and payment of sums on account of Government, to be a Bank of discounts, to grant credit on *unexceptionable security*, and at such times only as the Bank shall in their own judgment deem perfectly unobjectionable, and also to engage in the business of exchange by granting bills at a more reasonable rate than can be procured from individuals, in favour of merchants applying for the same on any part of the Company's territories; and for this purpose to have subordinate banks or offices in different parts of the country, as well to facilitate this business of exchange, as the circulation, if necessary, of the notes; there may hence be fewer demands for coin on the Bank than would be otherwise preferred, less coin exported for the payment of foreign or distant debts, particularly if the great Indian shroffs are concerned in the Bank, and therefore its necessary deposits of specie less liable to inconvenient fluctuations. This operation will be a great convenience to the mercantile body, who will be freed from the losses and inconveniences now suffered in exchange, and from the artifices of shroffs, and therefore find their pecuniary intercourse with every part of British India much facilitated.

9. With

* Were I proposing the establishment of a bank in England, I should certainly not select a member of Government for a director. In free countries of open and extensive commerce, the perfect independence of a bank is perhaps essential to its credit and the general confidence of the public; but in India, local circumstances should also be considered at each Presidency; the chief merchants, who, comparatively speaking, may be said to engross the trade, are few: and were a general Bank intrusted to their exclusive management, these few are just as liable to enter into hurtful combinations to promote their own interest, as a Government is to injure public credit by arbitrary acts to relieve occasional distresses. By the union, these parties will operate as a check on each other; and if after trial it be found desirable for Government to withdraw, the sequel of this plan provides for such a contingency as soon as the debt is paid.

Native directors seem to me of great importance to the complete success of the plan; and the co-operation of the great Indian shroffs in this establishment, would facilitate many of its operations.

Note.—It should be clearly understood beforehand, that the Bank will exercise its own discretion in the granting of credits, in view to the amount of notes in circulation at the time such credits may be applied for, and to other local circumstances.

I do not enter into a detail of the business of the Bank, because it would extend this paper to a tedious and unnecessary length. The nature of the intended business is, I presume, sufficiently manifest in the plan, and it is surely not too much to anticipate, that its profits, arising from these branches of business, may do a great deal more than defray the expenses of the institution.

The granting of bills of exchange on England, on favourable terms, might often be a local convenience to individuals in India, and also to the Bank; it may likewise be an accommodation to the captains and officers of the Indiamen. These latter often bring out specie which might thus be supplied to the Bank if required. This however is introduced as a suggestion, because the Court of Directors can alone determine how far it may be convenient to answer such drafts.

I also pass over the means of supplying the Bank with its requisite deposits of specie, because I apprehend all that may be required in this respect, may be derived without difficulty from the annual income, the revenue, the aid of merchants, proprietors of stock, and in the frequent imports of specie into India; and because the actual amount can only be ascertained by experience, though, from the nature of the Bank business, it is conceived this amount may never require to be considerable.

9. With the aid of a Bank thus constituted, Government may venture to pay off, say £. 4,000,000 of their debt,* after giving sufficient notice, as follows. The present paper contains a stipulation whereby it is to be liquidated according to number on the register, by cash, at the Presidency, or by bills on the Court of Directors: these clauses may, I conceive, be literally executed. The precise amount of the drafts on the Court of Directors, it is not material here to know; but that calculation may proceed on determinate data, we will suppose these drafts to absorb £. 500,000,† and therefore $3\frac{1}{2}$ millions to be paid in India.

10. Bank-notes, if as good credit as those of the Bank of England, will readily be accepted by the Company's servants in payment of their monthly allowances, whatever they may be; by the creditors, in payment of debts‡. Let the servants therefore be paid in Bank-notes issued on the responsibility of Government, but with the consent of the associated Bank Directors, § to the amount of all in all of $3\frac{1}{2}$ millions if possible, or to any lesser amount, that the general circulation may be locally found capable of receiving, *without depreciation of the said notes*; and in lieu thereof, let Government be previously prepared with an equal amount of coin reserved from the revenues as they are regularly paid in, to be deposited in the Bank, in addition to its annual income as stated in the 2d paragraph. With this coin, when sufficient is accumulated, the creditors may now be paid (after due previous notice) according to the literal and express conditions of their original contract.

11. This issue of notes, whatever be the actual amount, may be made gradually, to avoid unnecessary alarm, and should be proportioned with judgment to what the circulation will from time to time absorb. Three millions and a half being about three or four months ordinary expenditure, may perhaps be absorbed in 6 months; but whether it be so or not, it should be the chief object of the Bank's attention, at its first institution, with which, until duly executed, the other branches of its intended business should not be allowed to interfere, or only be conducted with a proper precautionary regard to the ultimate success of this primary object. In a country yielding 14 millions annually of revenue, it surely will not be difficult to reserve the $3\frac{1}{2}$ millions above proposed, for this grand operation, or more if necessary. The

* This sum is stated in view to the expected extent of capability in the plan. Though a lesser amount be paid off in the manner here proposed, it will still not in the least affect the ultimate grand object (as will be seen in the sequel), which is to liquidate fourteen millions of debt in eight years at furthest, and without any other aid beyond what the Bank and revenues of India can supply.

† The drafts on the Court of Directors will probably be much more whenever the debt comes to be paid off; but this large proportion of $3\frac{1}{2}$ million is purposely stated against India, to show what the plan is capable of.

‡ Not a single note should be offered to any creditor unless he voluntarily desires to receive them; the original compact with the Company stipulates for payment in cash, &c. which is clearly specie, and the clause should be literally executed; the strict and literal preservation of public faith between a Government and its creditors, being always a matter of the highest importance.

§ An objection may possibly here occur, that the associated Directors will not consent to this issue, on the plea of its diminishing other issues in the discount of bills, by which they would benefit, but which they are thus deprived of. In reply, let it be considered, that the major part of this issue of notes to the Company's servants will be made over in the first instance to their respective agents (the principal of whom will be Bank Directors,) or, in ordinary course, find their way back in revenue payments to the Company's Treasury, where, as a certain sum of notes may be supposed to be always accumulated, such sum, together with the amount in the hands of the Directors, may be employed in re-issues to transact the private business of the Bank. These considerations may perhaps obviate the objection, and even be found to give the said directors, agents and merchants, an interest in receiving these notes, and therefore tend to promote their easy circulation.

Indeed both the coin and notes above proposed to be issued, must, in the natural course of Indian circulation, find their way, in large proportions, to the said agents and merchants, who will of course employ the notes in local currency, and in all transactions with the Bank; the whole of the coin, in other profitable pursuits: hence arises a manifest increase of mercantile capital, and in due proportion to the means and credit of each individual merchant, for all may thus partake of as much of the said notes and coin as their trade, or probable expectations of profit, will enable them to employ.

Wherefore, if these premises be correct, the Bank may, at its first opening, commence with the discharge, in notes, of demands on the treasurers at the respective Presidencies for monthly allowances and on other accounts; and as by the supposition these notes will rapidly return to the Bank or Treasury, it would seem to preclude the necessity of any extra issue of notes, or, at all events, greatly limit it; that is, the whole or nearly the whole private business of the Bank may thus, with the

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(A.)

annual imports of specie into India, present another source of eventual supply.

co-operation of the merchants, be transacted by means of the very notes, or (which comes to the same thing) the same amount of notes that shall be issued in the first instance in payments on account of Government.

The amount capable of circulation at the respective Presidencies, will thus be speedily ascertained, and accordingly limited. The subordinate provincial Banks may then be authorized to issue notes in the same way to a specified limited amount from each; these notes will again similarly return through the medium of merchants into the said Banks, and into the Company's Treasury, in discharge of revenue; the Treasury and Bank being conjoined, both at the Presidencies and Subordinates, will mutually assist each other; and as moreover each Bank may, it is presumed, under proper authority, and in cases of necessity, either coin or destroy notes at pleasure, so, on the one hand, there need never be impediment to the private business of the Bank, while on the other, the amount of notes in circulation may always be kept within prescribed limits. (Vide paper (B.) where this operation is further explained.

12. If the credit of the Bank be well established, this proposed $3\frac{1}{2}$ millions in notes, may not be too much for the general circulation of our Indian territories, for according to the plan, this will be the only issue of notes by the Bank or its original landed security; four millions moreover of the capital stock of the Bank is the Company's own share, which, under the operation of the Plan, as shown in the annexed figured statement, will be annually increasing, perfectly free from all incumbrance or engagement, and therefore of itself more than adequate for $3\frac{1}{2}$ millions of notes intended to be circulated.*

13. Of the present Indian debt of £. 20,000,000, there will now have been converted into bank-stock £. 8,500,000; paid in cash and by bills on the Court of Directors, £. 4,000,000; and there will remain in the hands of the creditors in promissory notes or bonds, £. 7,500,000 more, which we are now to dispose of.

14. The one third share of Government in this General Bank, or 4 millions, has been reserved to operate as a Sinking Fund, to which may be added the annual million now applied to the use of the Sinking Fund, and this combined fund will buy up £. 2,500,000 stock, and nearly extinguish the $7\frac{1}{2}$ millions of outstanding promissory notes or bonds in six years, as exhibited in the annexed figured statement: in other words, it will effectually annihilate in 6 years near £. 10,000,000 of the existing debt.

* It is perhaps impossible to state the precise amount of the Indian currency, or, until trial be made, how far commercial capital will admit of augmentation, or of a substitution in paper of that part which merchants must always keep by them to answer occasional demands: future circumstances must determine these points; but, independent of the probable conjectures to be derived from the amount of annual revenue which must be kept in view, as hereafter shown, there is one thing certain, that from the existing depressed state of industry in this country, it is capable, under proper stimuli, of incalculable increase, and therefore, of the employment of an indefinite amount of circulating capital, if the common incentives to industry and improvement be not palsied by the immoderate wants and impolitic exercise of arbitary power.

But whatever may be the immediate effect of a brisker circulation on Indian industry, the Plan, it will be easily conceived, does not propose to overload the currency with useless abundance, but merely to substitute, in the first instance, notes of unquestionable credit, for coin; which latter, in as far as it may then be redundant in the country, will be exported, or employed in foreign commerce. It is at the same time meant to infer, that there is ample room for retaining, or at least for recalling this, and perhaps a greater addition to the circulating capital, through the medium of increased industry and trade, while, in the interim, the substitution of good notes for coin, to the amount of three and a half millions, is not thought to be excessive, in a country which, independent of a brisk trade at the respective Presidencies, now pays annually fourteen millions in specie to its Government; or likely to prevent those lesser annual realizations from the revenues in coin, required for the use of the Sinking Fund, as will be more fully explained hereafter.

15. It being desirable to keep up 6 million of debt, which precise amount is now found in the hands of the stock-holders, Government may only be considered as debtor on the £. 3,500,000 of bank-notes supposed to be in circulation; Government may also now determine to continue, or withdraw its concern in the Bank: in either case, the proceeds of the combined Sinking Fund, are sufficient to call in and extinguish, if desired, the whole of the aforesaid £. 3,500,000 of bank-notes in *two* more years as shown in the statement, or in 8 *years at furthest, to liquidate fully and effectually the proposed* 14 *million of debt*, leaving the directors at full liberty to proceed with the Bank either on the old or any new footing deemed eligible. In short, the £. 3,500,000 of bank-notes may be considered as a loan, without interest, from the Bank to Government, which the latter are now fully prepared to pay off, or continue to employ in such way, and according to

such arrangement, as may, under existing circumstances, be decided on between the parties.

16. The advantages of this plan may therefore be said to consist, under prudent management, in the certain reduction of £. 14,000,000 of the Indian debt, in a period that we may all rationally look forward to see the accomplishment of, and therefore not so liable to be counteracted by unforeseen accidents or events.

17. In eight years the annual payments on account of interest and Sinking Fund, will be reduced to £. 480,000, or £. 8 per cent. on the £. 6,000,000 of bank-stock debt; viz.

Present interest - - - - - - - -		£. 1,600,000
Applied to the use of the Sinking Fund - - - -		1,000,000
Total of present payment per annum - - -		2,600,000
Deduct:		
Amount of appropriation to the Sinking Fund, no longer required - - - - -	£. 1,000,000	
Interest on 14 millions of debts now extinguished at 8 per cent. - - - - - - -	1,120,000	
		2,120,000
Remains - - -		£. 480,000

Whence there will be upwards of £. 2,000,000 per annum to be ever afterwards applied to the augmentation of the Company's own *wealth* and the improvement of their India territories. The Company may then, I presume, trade without further aid from loans: their India investments ought then in fact to cost them no more than the expense of transporting to England, which should enable them to undersell every other nation, to the very great benefit of the Mother Country. The outlay of such a sum, in *the support of industry* in India, will proportionably contribute to the improvement of that country, where some such fostering aid is essentially required.

18. The commercial interests of India will be greatly benefited, trade and industry increased, and therefore it is not unreasonable to expect the cordial and zealous co-operation of the mercantile body in promoting the success of the plan.

19. It has also the advantage of requiring no additional tax: it depends for success on no probable reduction of the rate of interest; and it preserves public faith with the creditors. Those who get bank-stock for their present bonds, are likely to be greatly benefited by the exchange, and the remainder are all paid according to the very letter of the original contract; should future wars incur future debts, a recurrence to the same description of Sinking Fund as above specified, presents a certain mode of rapid liquidation.

20. Finally, it has been observed in the Plan (vide notes of 9th paragraph) that the drafts on the Court of Directors in part payment of the Indian debt, have been purposely stated low, to show, or at least to try the extent of capability in our Indian means. Now, to view the Plan in all its bearings and particularly those which may at first be apprehended to press heavily on the Honourable Court in England; let us suppose the drafts, from the favourable rate of exchange, or other circumstances, to be very considerable,—lesser difficulties may be disregarded, when the greatest are capable of easy removal;—let us give this its most formidable aspect, and calculate, for example, that, of the first £. 4,000,000 to be paid off, £. 2,000,000 at least will be demanded by bills on the Court of Directors, and £. 1,000,000 more in each successive year, till the whole be liquidated; it then follows,

First.—That, as no attempt is made to pay off debt until the proposed amount be reserved from the revenues, and in the hands of the Sinking Fund, £. 2,000,000 of this sum, or any other portion, may be remitted to England through the medium of investment, or otherwise, to answer the bills so demanded on the Court of Directors.

Secondly.—A cursory view of the figured statement will show, that another annual million, or any other required amount, may be similarly remitted, to answer drafts in each succeeding year; and that the Sinking Fund is still capable of completing its object of final liquidation precisely at the same period: And,

Thirdly.—

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(A.)

Thirdly,—There will always be abundant time to provide for the discharge of these drafts, because they are only payable 15 months after date, or 12 months after sight; or,

Fourthly.—Should the Court of Directors prefer paying these drafts with funds raised in England, and allow the Sinking Fund to accumulate at the same time, by still appropriating to its use the interest of each portion of debt so remitted, the process of final liquidation in India will be most rapidly accelerated, as a short calculation will easily evince.

Lastly.—In proportion to these remittances, there will be so much less coin required to pay off debt in India, and therefore greater latitude for the circulation of bank-notes.

21. Hence it may be confidently added, that in *whatever proportions* the debt be ultimately paid in India, or in England, the resources of our Indian possessions are alone equal to the accomplishment of the object; and all the advantages of the plan are, in these respects, at least equally realizable.

(Signed) R. RICKARDS.

(Accompaniment to Letter A.)

STATEMENT, to show how the combined Sinking Fund proposed in the Plan, will extinguish, in 8 years, 14 millions of Debt; consisting, viz.

Of Bank-stock to be bought up by the gradual accumulation of the Sinking Fund	£. 2,500,000	
Of Promissory Notes, D° - D°	7,500,000	
And D° - to be paid off in the first instance in coin reserved from the revenues, for which Bank-notes are to be substituted, and by Bills on Court of Directors	4,000,000	
Total		14,000,000
1st Year:		
Proceeds of £. 4,000,000 of Bank-stock, at 8 per cent. per annum, is	£. 320,000	
Add 1 million	1,000,000	
to be deducted		1,320,000
		£. 12,680,000
2d Year:		
Proceeds of £. 5,320,000 Stock, as above; viz. Interest thereon	£. 425,600	
Add 1 million	1,000,000	
to be deducted		1,425,000
		£. 11,254,400*
3d Year:		
Proceeds of £. 6,745,600 Stock and Notes; viz. Interest thereon	£. 539,648	
Add 1 million	1,000,000	
to be deducted		1,539,648
		£. 9,714,752*
4th Year:		
Proceeds of £. 8,285,248 Stock and Notes; viz. Interest thereon	£. 662,819	
Add 1 million	1,000,000	
to be deducted		1,662,819
		£. 8,051,933
5th Year:		
Proceeds of £. 9,948,067 Stock and Notes; viz. Interest thereon	£. 795,845	
Add 1 million	1,000,000	
to be deducted		1,795,845
Carried forward		£. 6,256,088

* It will be observed that the fund, in this year, will have done more than purchase the £. 2,500,000 stock proposed, whence the remainder of the calculation has reference to the promissory notes and bank-notes intended to be extinguished.

Brought forward		£. 6,256,088
6th Year:		
Proceeds of £. 11,743,912 Stock and Notes; viz.		
Interest thereon	£. 939,513	
Add 1 million	1,000,000	
to be deducted		1,939,513
		£. 4,316,575*
7th Year:		
Proceeds of £. 13,683,425 Stock and Notes; viz.		
Interest thereon	£. 1,094,674	
Add 1 million	1,000,000	
to be deducted		2,094,674
		£. 2,221,901
8th Year:		
Proceeds of £. 14,000,000 Stock and Notes; viz.		
Interest thereon	£. 1,120,000	
The full annual million being no longer required, add only	601,901	
to be deducted		1,721,901
And there remains		£. 500,000

Which the Plan supposes to have been liquidated by bills on the Court of Directors, or, if no such bills are granted (which however is highly improbable) a very small addition to the Sinking Fund would still liquidate the whole in India in the course of this 8th year.

On this Statement it is further to be remarked, that until the sum of £. 4,000,000 be discharged (which the Plan supposes may be in six months after the establishment of the Bank) the whole debt will be running on at interest, as at present: whence it follows, that all that is contributed in this intervening period, on account of the Company's share of bank-stock, will be an extra charge on the revenues in the first year: this share being 4 million, and the interest thereon £. 320,000 per annum, the said extra charge on the revenues for six months, will bear a due proportion thereto.

Against the additional expense, may be stated the sum minus the annual million in the last or 8th year of the above Statement, or £. 398,099, and indeed all its other advantages, which, for so small an extra sum in the first year, may be said to be cheaply purchased.

(Signed) *R. Rickards.*

(B.)

STATEMENT, to show how 14 million will be liquidated, on the supposition of four million being paid off in the first instance, in the manner proposed in the 9th, &c. paragraphs, Paper A; but in the proportion of two million in coin, and two million by bills on Court of Directors.

THIS supposes an issue of two million of notes, in lieu of the coin required from the revenues to make the preceding payment, and in this case the annihilation of four millions debt will exactly counterbalance the extra charge of £. 320,000 per annum on the revenues, occasioned by the appropriation of four millions to constitute a Sinking Fund.

That part of the debt which is intended to be reduced, will then consist, as follows,

Of Bank-stock intended to be bought up by the Fund	£. 2,500,000	
Of Promissory Notes outstanding - D° - D°	7,500,000	
And - D° - to be paid off in the first instance, as above specified	4,000,000	
Total		14,000,000
1st Year:		
Proceeds of £. 4,000,000 of Bank-stock at 8 per cent. is	£. 320,000	
Add 1 million	1,000,000	
to be deducted		1,320,000
Carried forward		£. 12,680,000

* The seven and a half million of promissory notes being nearly bought up by the Fund in this sixth year, the remaining two years are chiefly employed in calling in the bank-notes in circulation: but as these bear no interest, the accumulation in the last of these two years, is calculated only on the stock and promissory notes which do bear interest, and will at this juncture be found in the hands of the Commissioners of the Sinking Fund, as follows;

	£.
Original four millions of bank-stock	4,000,000
Bank-stock bought up by the Sinking Fund	2,500,000
Promissory Notes - D° - D°	7,500,000
Total	£. 14,000,000

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(B.)

	Brought forward - -	£. 12,680,000
2d Year:		
Proceeds of £. 5,320,000 Stock, as above; viz.		
Interest thereon - - - -	£. 425,600	
Add 1 million - - - -	1,000,000	
	- - to be deducted - -	1,425,600
3d Year:		
Proceeds £. 6,745,600 Stock and Notes; viz.		
Interest thereon - - -	£. 539,648	
Add 1 million - - -	1,000,000	
	- - to be deducted - -	1,539,648
		£. 9,714,752
4th Year:		
Proceeds of £. 8,285,248 Stock and Notes; viz.		
Interest thereon - - - -	£. 662,819	
Add 1 million - - - -	1,000,000	
	- - to be deducted - -	1,662,819
		£. 8,051,933
5th Year:		
Proceeds of £. 9,948,067 Stock and Notes; viz.		
Interest thereon - - - -	£. 795,845	
Add 1 million - - - -	1,000,000	
	- - to be deducted - -	1,795,845
		£. 6,256,088
6th Year:		
Proceeds of £. 11,743,912 Stock and Notes; viz.		
Interest thereon - - - -	£. 939,513	
Add 1 million - - - -	1,000,000	
	- - to be deducted - -	1,939,513
7th Year:		
Proceeds of £. 13,683,425 Stock and Notes; viz.		
Interest thereon - - - -	£. 1,094,674	
Add 1 million - - - -	1,000,000	
	- - to be deducted - -	2,094,674
And there remains - - -		£. 2,221,901

Of which sum, it will be remembered two millions are proposed, in the preamble to this Statement, to be paid by bills on the Court of Directors; and if the Court are pleased to raise this sum in England, it will only leave, at the end of the 7th year, the mere trifle of £. 221,901 to be finally liquidated.

On this plan, therefore, the whole fourteen million may be positively liquidated in *seven years*, without any other difficulty than that of the Court of Directors borrowing two million in England, and without subjecting the revenues in this country to extra charge on account of the Sinking Fund.

But in considering the two proposals, which suggest, the one, an issue of 3½ million of notes, and the other, of two million, it is not to be supposed that either proposal infers an absolute necessity for such issue; for an attentive consideration of the Plan, will show that no such necessity exists. The Sinking Fund will notwithstanding perform all its functions with equal efficacy and regularity: but a Sinking Fund, it may be objected, would liquidate the debt of itself, without other aid; then where the use of the Bank? It is true a Sinking Fund would do so, but how establish this Sinking Fund without being an extra charge on the revenues, which the said revenues can ill bear; or without additional taxes, which would most assuredly be oppressive? The union of the Bank and Sinking Fund, obviates this serious and important difficulty.

1st. By the issue of 3½ million of notes, as a substitute for so much specie, intended, with another half million, by draft on the Court of Directors, to pay off four million of debt, a sum of annual interest (£. 320,000) is extinguished, exactly equal to the annual extra sum, or £. 320,000, required to support the Sinking Fund.

2d. By the issue of two million of notes, and the payment of two million more by the Court of Directors, the same effect is produced, and in both cases there is no extra charge on the revenue.

3d. Should the issues of the Bank, in either of these two cases, not reach the precise limit above defined, still every approach to it will be a proportionate diminution of the extra charge on the revenues. The probability indeed is, that it will be no extra charge at all, and therefore certainly require no additional tax; and if this object is capable of accomplishment, as anticipated in the Plan, it affords ample proof of the utility of the proposed co-operative union of the Sinking Fund and the Bank.

4th. Admitting the worst that can occur, viz. that a part of the support of the Sinking Fund do prove a charge on the revenues, still it need only be temporary, for the preceding

Statement shows the Fund to be annually increasing. In the 4th year, for example, it will be upwards of eight millions: at which period even the whole of the original £. 320,000 required for its support, might be surrendered; and it would still proceed in the rapid liquidation of the debt, though not quite so rapid as before.

But all this relates to the advantage derivable by Government, in the establishment of a Sinking Fund free of charge. To estimate the advantages, of which the Plan is supposed capable, to the merchants (independent of those acknowledged general advantages derivable from the institution of an extensive bank) let us, for example,

Suppose 24 lacs issued at Bombay and its subordinates, or any other sum determined on by the Bank Directors, and that a considerable portion passes into the hands of the merchants, and remains floating in circulation, that is employed in payments between individuals, or in circulating commodities locally; and let us suppose, for the sake of the explanation, that ten lacs be employed in revenue payments to Government, *i. e.* to be constantly returning on the Company's treasury.

The first portion is a clear addition to the mercantile capital, as exhibited in note to para. 10. Plan A. to be employed as the said merchants think proper. Even this portion of the issue might be employed in the banking business without loss, probably with some degree of gain.

But of the other portion, which is supposed to be circulating through the different treasuries, does not the union of the Bank and Treasury afford means to the former of employing this amount to their own exclusive advantage? The treasury, for example, lending it, as it were, to the Bank, free of interest. In other words, if notes can be coined and destroyed at pleasure, so as to keep a certain limited amount always floating, may not the Bank employ in its private business, and to its own exclusive advantage, a sum of notes equal to what experience shall ascertain to be the amount always returning on the Company's treasury in revenue payments, where each payment so received, will, for a certain period, lie dead? Would not this be in fact the same thing as allowing the Bank a portion at the first issue on their own account? And would not the numerous points at which notes would be always readily received at par, viz. the treasuries, the different agents and merchants, and the Bank itself, tend greatly to facilitate the circulation of that quantity determined to be issued, and lessen, if not obviate, the danger of an inconvenient run on the Bank for specie?

Another View of the same case:

Suppose the circulation to absorb 24 lacs, of which 14 go to the merchants, and 10 return on the Company's treasury. The first 14 is an addition to the merchants capital, to be employed as they think proper.

Suppose the revenue 60 lacs per annum, paid in three instalments of 20 lacs each, *i. e.* once in four months, of which, ten lac in bank-notes; then as ten lac may be supposed withdrawn from the commercial circulation, and to return on the Company's treasuries every four months, could not the Bank employ this 10 lac, or which is the same thing, an equal amount, in the conduct of its private business? In other words, might it not issue *ten additional lacs* into the commercial circulation, destroying a corresponding amount from the payments made daily or regularly into the Bank; still limiting, by such destruction, the amount in circulation to the 24 lacs above specified; and at the same time gain all the advantage of employing the ten lac which it was thus able to send abroad.

By this supposition, the Bank would go on issuing, we'll say, ten lac of notes at its discretion, and according to its own judgment of the probability of their remaining out. The notes cost the Bank nothing, and bear no interest; if therefore we suppose their daily receipts and issues to balance each other, they may surely destroy ten lacs of their receipts, while they have all the advantage of the ten lac at issues, since the notes are of no value, either way, to them, but from the interest they produce.

Let us next suppose this operation to occupy the four months above adverted to, or perhaps six or eight months. By this time, the payers of revenue, who have another instalment to make good, will probably have withdrawn ten lacs more from the commercial circulation. But there is also 10 lacs in the treasury: it is issued to Company's servants, who disburse part, and pay the rest to their agents; and it thus goes to fill up the void in the commercial circulation.

There is now again exactly 24 lac in currency, of which 10 being thus capable of continued employment in the private transactions of the Bank, they of course derive the advantage thereof, and the prescribed 24 lacs is not exceeded.

It would be impossible, on this plan, to define the *precise* amount of notes which the Bank would be enabled to employ; but it is very *certain* that the amount would be *considerable*; as a *large proportion of the notes issued would most unquestionably form a part of all future revenue payments*, and these notes would for a certain time be always lying dead, either in the treasury, or in the hands of the payers of revenue, expecting the day of instalment.

If therefore the advantage here supposed be realizable, it should, including every other profit realizable from the private business of the Bank, be shared by the said Bank, free of all participation on the part of Government; for Government, it must be remembered, have their advantage in the first instance, arising out of the first issue of notes: with this they ought

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ought in justice to be content, and therefore to cede all other profits to the directors and proprietors.

This is supposing always a first issue on account of Government: but as this operation may appear too complicated; and as these two first proposals are intended more as explanatory suggestions than as plans for actual adoption; let us proceed to a third, leaving to future determination, whether either of the submitted Plans, or modifications thereof (of which indeed the principle will be found abundantly capable,) be, or be not ultimately feasible, with the advantages anticipated in favour of Government and the Public.

(B.)

(Signed) *R. Rickards.*

PROPOSAL (C.)

In a Letter from the Government of Bombay, of 22 Oct.

1. But in the preceding Proposals A and B, it may still be objected, that difficulties will occur in keeping a large amount of notes in circulation, or in accumulating sufficient specie in such case, from the revenues, to furnish the Bank and Sinking Fund with, for buying up the outstanding bonds or promissory notes: all of which contain a stipulation to be paid in cash, or by the bills on the Court of Directors; or, finally, that they do not afford a certainty of sufficient profit to the directors and proprietors of stock: To which I answer,

2. That if these difficulties be deemed insurmountable, the Plan may be executed in another mode; viz.

3. Let the Bank, after establishment in the way proposed in the Plan A, proceed with its business of credits, discount, and exchange, issuing notes on these accounts only, proportioned to its actual deposits of cash; and let the Sinking Fund then operate on the whole of the bonds or promissory notes outstanding, which in this case will be equivalent to £.11,500,000 and the bank-stock intended to be bought up to reduce the debt to 6 millions, - 2,500,000

Total - - £. 14,000,000

The preceding figured Statements show, that the proposed Sinking Fund is still more than equal to the liquidation of this amount in eight years; and this latter mode, if preferred, may therefore be followed.

4. But in this case, it must be remembered that the annual payments out of the revenues, on account of the Bank, will be - - - - - - - - - £. 1,000,000
And interest on the above £. 11,500,000 of outstanding bonds at £. 8 per cent - 920,000

Total per annum - £. 1,920,000

or, £. 320,000 more than is now paid for interest on the debt, or in other words, an annual extra charge equal to the income derived by the Company from their original share of bank stock, to be appropriated, as above shown, to the use of the Sinking Fund.

5. And it must be further remembered, that in this case the notes in circulation may not differ much, in their aggregate amount, from that of the first or second Plan; for though 3½ million, or otherwise 2 million, is proposed to be issued altogether, yet the Plan expressly limits the amount to what may be always circulated at par, whilst from the immediate return of these notes to the Bank, in the ordinary course of Indian circulation, it merely anticipates the advantage of combining this important aid to Government, with the benefit which its other branches of business are capable of yielding to the directors and proprietors of stock.

6. If, however, this last mode be found to obviate real difficulties in the way of the other, and therefore preferred, there will only remain to provide, from the surplus revenues in India, for this extra charge of £. 320,000 per annum, which, compared to the annual revenue of the country, is but a trifle.

7. In opposition to this extra charge, may be stated the probable gains of the Bank over and above its certain £. 8 per cent. income. They may possibly reimburse the Company in the full amount of the above-mentioned extra charge, or even more, and in this case counterbalance the required extra supply from the surplus revenue, or otherwise, being added to the sinking fund, annually tend to liquidate the whole debt in a proportionately shorter period. At all events, I should anxiously hope that whatever portion of this extra charge may not be counterbalanced by the profits of the Bank, would be met by some practicable reform of present expenditure, rather than by the imposition of an additional tax; which, in the present distressed state of industry in India, particularly agricultural, I should earnestly deprecate.

8. Whichever therefore of the three preceding plans, if indeed either be thought worthy of attention, every objection arising out of deficiency of specie, merits deliberate consideration, for the payment of the bonds or promissory notes in specie, as far as the discharge be required in India, I take to be indispensable to the maintenance of public faith. On the aggregate

gate amount of the coin now circulating in India, we can at best only speculate, or even as to the amount of notes that may be circulated without depreciation, having provided an adequate check against improvident issues, local experience and practical observation must necessarily determine the rest; yet to afford more distinct ideas on this part of the subject, it may be useful to repeat, and even keep constantly in view, that the 3½ million or the two million proposed to be issued in notes, will clearly be an addition to the present circulation, whatever it is; admitting therefore that the circulation may absorb this amount always at par, and that in the manner proposed in the Plan (vide note, para. 10. Plan A. and Plan B.) the other business of the *Bank* may be conducted by means of this issue alone; it still follows that it can only be a substitution in lieu of so much coin, which coin, in as far as it cannot then be employed at home, will necessarily be exported. Let us suppose it all exported; then, deducting the sum which merchants must keep always in hand to answer occasional demands, we may expect the major part of the remainder will be continually returning into the Company's Treasury and the Bank. In proportion therefore to the amount of this first issue of notes, whatsoever it may be, and which ever plan be adopted, we may be assured that *all future revenue payments will be made in paper*; and this is a very material consideration in view to the ultimate success of the plan.

9. It is moreover probable the Bank will soon practically know what portion of the above sum is likely to be absorbed by mercantile capital, and the circulation of the respective Presidencies: there are further considerations required to be duly weighed in the first or gradual issue of notes, for on this must depend the amount to which each provincial bank should then be positively and specifically limited. I have stated this issue altogether at 3½ million, or at two million, in the avowed hopes of the Plan being capable, under prudent management, of circulating notes to this extent; but it remains now to be added, that the issue must be limited to this amount, or to some other prescribed by local experience, until the debt is liquidated, *in view to the annual realization of coin from the revenues required for paying of the creditors, and other indispensable purposes.*

10. The present bonds, or promissory notes, stipulate that the interest, as well as principal, is to be paid in cash, &c. alias specie. It hence follows that Government must continue to pay every particle of interest on their debt in specie; so that the whole annual payments indispensable to be made in specie, after the 4,000,000 *l.* shall have been paid off, will stand as follows: The total amount of debt will then be 16,000,000 *l.*

The interest of which, at 8 per cent.	£. 1,280,000		These two sums of course include the income settled on the Bank, as per 2d paragraph, Plan (A.)
Government's share of bank-stock interest, or 8 *l.* per cent. on four millions - - - - - -	320,000		
		1,600,000	
The annual million for the use of the Sinking Fund - - - - - - - - -		1,000,000	
Total per annum - -		£. 2,600,000	

11. From this view of the subject, the local authorities may judge of the probability of these sums being realized in specie, in each succeeding year, from the revenues to be paid into the Bank and Sinking Fund; and must necessarily portion the issue of notes accordingly. But *this coin*, it must be remembered, will again return into the currency, and remain there; it cannot quit the country, as the first 3½ million or two million did, because it is not over and above what was in currency before, and therefore not over and above what the circulation of the country requires. There will be here no substitution of notes, as in the other case; for by the supposition almost all the notes in circulation will be continually returning upon the Bank, either in the course of its own business, or on account of payments to Government, and these again will be continually re-issued in the same way; so that after ascertaining what may be absorbed by mercantile capital, and the circulation of the Presidencies respectively, the above annual sum of 2,600,000 *l.* as being required in actual coin, will afford a very tolerable criterion by which to regulate the total issue of notes, should the first or second plan be adopted; or should the third mode be preferred, the annual sum in coin of 2,920,000 *l.** will be requisite, and therefore form the criterion; for if due provision be made for securing either of these sums annually in coin, according as either plan may be adopted, it seems to me unobjectionable to supply any portion of the remaining currency in paper, as long as that paper is of sufficient credit, and conducted with sufficient prudence to circulate invariably and certainly at par.

* It will not, I trust, be conceived here that either this sum or the preceding one of £. 2,600,000, infer an additional burthen or charge on the revenues to this amount, over and above present expenses. An attentive perusal of these sheets will show that they both include the interest on the present debt and the annual million to the Sinking Fund, which, from the papers laid before Parliament, I suppose to be easily contributable in time of peace.

The latter sum implies, it is true, an extra charge of £.320,000, as specified in the 4th paragraph of this Statement, but this (vide 7th paragraph) is again expected to be fully counterbalanced by the gains arising in this case out of the private business of the Bank.

12. In this consideration of the aggregate amount of Indian revenue, it will now be seen that no conclusions are thence intended to be drawn as to the actual amount of current coin; it does not indeed afford grounds for any such calculations; but perhaps it is not unreasonable to suppose, that in a country of depressed industry and languid circulation, a

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greater proportion of the actual currency must be employed in the annual payments to Government than in those industrious states where a small actual sum, by rapid change of hands, may serve to discharge a large annual amount. This supposition has, I confess, influenced some of the preceding suggestions; but the whole are, with deference, submitted to better judgments.

(Signed) *R. Rickards.*

(D.)

ALL the preceding Proposals are founded on the supposition of being able to establish a Sinking Fund equal to four million, in the first instance, free of all, or at most but little extra charge on the revenues. But the plan, on the principle proposed, is evidently capable of modification, so as that the amount of the Sinking Fund, in the first instance, be exactly regulated by the advantage or profits which Government may be enabled to realize from the institution of the Bank.

First. Suppose, then, according to Plan (A.) and (B.), that only one million of notes be issued, in the first instance, on account of Government, and one million paid by draft on the Court of Directors, so as to admit of the establishment of a Sinking Fund, free of extra charge on the revenues, to the amount of two million at the first outset: or,

Second, Suppose, according to Proposal C. that in order to establish the said fund, free of charge as above mentioned, the Government in India be allowed to draw on the Court of Directors for two million, with which to purchase bank-stock in India: or, which comes to the same thing, to purchase some promissory notes to be converted into bank-stock; a sinking fund is then established free of all charge on the Indian revenues. The two million will cost the Court of Directors in England 5 per cent. diminished, however, if not wholly counterbalanced, or perhaps more than counterbalanced, by the profits arising in this country from the Government share in the Bank, and which may therefore be annually remitted to meet the said charge in England.

In either of these cases, a Sinking Fund of two million is established, which will have to operate on the following portions of debt; viz.

Bank-stock to be bought by the fund, so as to reduce the said Stock to six million	£.4,500,000	
And Promissory Notes outstanding	9,500,000	
		14,000,000
1st Year:		
Proceeds of two million of Stock, at 8 per cent. per annum	£.160,000	
Add 1 million	1,000,000	
	to be deducted	1,160,000
	£.	12,840,000
2d Year:		
Proceeds of £. 3,160,000 Stock, D° - D°	£. 252,800	
Add 1 million	1,000,000	
	to be deducted	1,252,800
	£.	11,587,200
3d Year:		
Proceeds of £. 4,412,800 Stock, as above,	£. 353,024	
Add 1 million	1,000,000	
	to be deducted	1,353,024
	£.	10,234,176
4th Year:		
Proceeds of £. 5,765,824 Stock, as above,	£. 461,266	
Add 1 million	1,000,000	
	to be deducted	1,461,266
	£.	8,772,910
5th Year:		
Proceeds of £. 7,227,090 Stock and Notes, as above	£. 578,167	
Add 1 million	1,000,000	
	to be deducted	1,578,167
	Carried forward	£. 7,194,743

6th Year:		Brought forward - -	£.7,194,743
Proceeds of £.8,805,257 Stock and Notes, as above - - - - -	£. 704,420		
Add 1 million - - - -	1,000,000		
	- - to be deducted - -		1,704,420
			£. 5,490,323
7th Year:			
Proceeds of £.10,509,677 Stock and Notes, as above - - - - -	£. 840,774		
Add 1 million - - - -	1,000,000		
	- - to be deducted - -		1,840,774
			£. 3,649,549
8th Year:			
Proceeds of £.12,350,451 Stock and Notes, as above - - - - -	£. 988,036		
Add 1 million - - - -	1,000,000		
	- - to be deducted - -		1,988,036
			1,661,513
9th Year:			
Proceeds of £.14,338,487 Stock and Notes, as above - - -			1,147,079
	And there remains - - -		£. 414,434

which is all that will be required of the annual million in this year, to effect a complete liquidation of the *proposed fourteen million of debt.*

This Statement, it will be observed, is calculated on the supposition that the principle of the last Plan C. be adopted, viz. to issue *no* notes in the first instance on account of Government; but if that of either of the other proposals, which infer a first issue on account of Government, be preferred, the process of final liquidation will be exactly the same; for in this case the Sinking Fund in the last year will have to operate on bank-notes, instead of promissory notes, which will cause no difference as to final results.

(Signed) *R. Rickards.*

(E.)

EXPLANATORY REMARKS on the preceding Plan.

In a Letter from the Government of Bombay, of 22 Oct. 1807.

1. SOME material parts of the Plan contained in the preceding sheets, seeming still to require elucidation, a few additional Remarks may be useful.

2. It is already, I apprehend, sufficiently shown how the Bank, in all its operations and decisions, will be independent of Government, whilst still deriving every proper aid from an union with the public treasuries, both at the presidencies and subordinates. The Bank Directors are all independent men, with the exception of *one Government Director,* the others may be at each presidency a member from each commercial house, with a certain number of natives; and as all measures are to pass by majority of votes, it precludes the possibility of undue influence on the part of Government, without an arbitrary and violent breach of the original compact. The advantage and utility of this independence are adverted to in the Plan itself, and are too obvious and well known to require further explanation. The advantage and utility of a certain degree of check on the other Bank Directors, is also adverted to, and will be further manifest in these remarks.

3. Both these are points of importance to require serious and very particular attention in the final arrangement of the Bank, should the Plan be ever carried into effect.

4. The operation of the subordinate banks proposed in the Plan, may be compared in some respects to that of the country banks in England, relatively to that great centre of circulation, the Bank of England.

5. Under the controul of the Bank of England, the country banks are of the greatest use to country traders, who now transact their business with the metropolis through the banker in their own neighbourhood, with greater facility and expedition, at less risk, and a lower rate of commission than when the said traders were obliged to employ their separate correspondents.

6. The advantages thus experienced in the commercial and pecuniary intercourse between town and country, have been compared to those of the economized abridgment of labour which generally mark the growing prosperity of mechanical employments in a flourishing

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flourishing country. The labour of keeping accounts, writing letters, receiving and paying bills, is transferred to one house, which had before been divided among many; and a "new "security afforded to the transactions between the metropolis and the country, by the "interposed credit of wealthy and respectable country banks."

7. By the simplification, in short, of pecuniary transactions, they are conducted at less risk, as well as at less expense to individuals.

8. The subordinate banks proposed in the Plan, are evidently capable of all the advantages enumerated or adverted to in the preceding paragraphs; the facility and security which they will afford to all commercial and pecuniary intercourse between the respective presidencies and the subordinates, and between one part of the Company's territories and another, cannot fail to be beneficially felt in the internal trade of the country, and to smooth many difficulties and obviate many hazards now unavoidably experienced.

9. But the subordinate banks will do more. By union and connection with the public treasuries in each district, they are capable of still greater benefit to the commercial community, by simplifying and regulating the business of exchange. At present the exchange all over India is liable to sudden and violent fluctuations, which are inexplicable on any other grounds than the manœuvres and secret dealings of shroffs: these fluctuations are often not to be accounted for by the actual state of the currency, or existing balances of trade; indeed their suddenness, violence and variableness, preclude their being attributed to causes which would naturally produce steadier effects; and no man, I believe, entertains a doubt of the secret mal-practices and artifices of shroffs being the actual cause. The admitted fact is therefore a proof of the undue and pernicious influence of these shroffs over the course of trade, from which the fair and honourable dealer has long sighed to be effectually liberated.

10. It is therefore a principal object of the Plan to effect this liberation, and to free entirely the trade of the Company's territories from this source of difficulty and impediment. The subordinate banks, from their union with the public treasuries, and dependence on the great presidency banks, are the means of accomplishing it. Bills of exchange may be freely given on any part of the Company's territories at a reasonable rate of exchange, at even a lower rate than it is possible for private money-dealers to grant the same accommodation, and without the possibility, as far as I can see, of obstruction from the shroffs within the limits of the Company's territories. That this accommodation may be more cheaply granted by the banks than by individuals, is evident, because the banks having no occasion to transport bullion or specie, or to use the bullion or specie of a correspondent, who must be recompensed for the advance, may therefore do it with less charge but equal profit; or if bullion should at any time be required to be transported, it may, with the aid of Government, be so transported at less expense to the Bank than to the individual; and therefore, under this supposition, which is a case that will but seldom occur, the accommodation may still be more cheaply granted.

N.B.—It may be one of the articles of agreement between Government and the Bank, that in the few cases where specie or bullion requires to be transported, it shall be done free of expense to the Bank. This alone will give the Bank a decided advantage over the shroffs, who never can transport specie without considerable risk and expense.

For this and any other aid it may be in the power of Government to grant, they may consider themselves amply recompensed in the speedy reduction of their debt and the general advancement of commerce. Both parties have a reciprocal interest in the success of the entire plan.

11. In short, the diminished labour and risk, and consequently the diminished charges with which these banks are capable of carrying on this business of exchange and remittance, must necessarily exclude all competition on the part of the shroff, or individual money dealers.

12. When the shroffs are thus driven out of this part at least of the money market, they may not improbably seek, in the gradual course of time, a connection with the banks; it will be their interest to do so; it is the only apparent method by which this connexion can be brought about, and it is highly desirable, from the means which these shroffs, through their money connexions, possess of facilitating and extending the operations of the said banks. In the outset of this institution, actuated by self-interest also, their first attempts will be to obstruct the banks; but these, I apprehend, must be vain, and wholly ineffectual: foiled in these attempts, the next incitement of self-interest may be to co-operate; and if the great Indian shroffs are thus in time either impelled or persuaded to connect themselves with the institution, the same benefits as above described, will be no longer confined to our own territories, but follow the commerce of our merchants over the whole extent of India.

13. Whether this object be accomplished in the whole, or in part, the business of exchange and remittance may at all events, to the extent of its accomplishment, be reduced to clear and definite rules; the rates of exchange may be always fixed and known, and the expense of distant speculations calculated without a possible risk, from this source of disappointment.

14. The first rule to be considered is, the state of the currency in different districts:—A given weight of fine bullion, in the respective coins of any two districts, constitutes the real par of exchange; and this given weight, not the nominal value of current coins in the respective districts, affords the only equitable grounds of fixing the rate of exchange, as far as it is likely to be effected by this cause; even the shroffs themselves must, I apprehend, be guided by the same principle. For let us suppose, merely for the sake of the argument

argument, that a Bombay rupee and a Surat rupee were both ordered to pass at the same nominal value, the Bombay having 15, and the Surat 10 grains of more silver; the Surat rupee is at this rate a depreciated currency, and every species of depreciated currency has the certain effect of raising the prices of commodities. It is evident that a bag of rice would be worth more Surat rupees than Bombay rupees, and no Surat shroff would give a bill at par on Bombay, knowing he received for his bill a coin worth less, by upwards of 30 per cent. than the coin in which it was to be discharged. He would lose all this difference in real value by the transaction.

15. There appears to me therefore no fear of counteraction from the shroffs, in the adoption of this equitable rule, because they could not counteract it without loss to themselves; and a trade that is carried on at a loss cannot be long supportable.

16. The next rule to be considered is, the balance of trade between different countries, or, in other words, the difference between their respective exports and imports. Where the exports and imports are equal, there will be a reciprocal equality of debts and credits; but where the imports exceed the exports of a country, there is a balance against that country; and the excess of imports *must* be paid for in bullion or specie: goods cannot be sent to pay it, because no more are required. The immediate purchasers of the excess of imports may pay their debt by a bill of exchange, but then they must advance to the shroff who grants it, all the expense, added to his own profit of sending bullion to the spot, to answer the draft in question.

17. It is therefore clear, that, all other things being equal, bills of exchange required to discharge an unfavourable balance, ought never to cost more than the expense of transporting bullion to the spot where the debt requires to be discharged, for if they did, bullion would of course be remitted in their stead.

18. But according to the Plan, the subordinate banks, from their connection with the public treasuries, will in most cases relieve the Presidency Banks, and also each other, from the necessity of remittances on this account; and as the cases must be few in which such remittances will be necessary, it follows, in further proof of a preceding assertion, that this branch of business may be conducted at a much cheaper rate by the banks, than is possible for individuals.

19. Indeed, with due attention to these two rules, I do not see why bills of exchange may not pass between all the banks at a very near approximation of the real par of exchange. The difference can only be what is necessary to reimburse expenses, with a moderate profit to the Bank, and possibly this may in no case exceed one or two per cent.

20. Surely then it is not too much to say, a grand and decided permanent advantage is here established in favour of our own commerce, facilitating its operations, and tending to the stability of its profits, without the possibility of successful opposition from the shroffs, at least as far as regards the immediate pecuniary intercourse of our own districts.

21. The generality of the system will prevent any hurtful effect on the aggregate amount of local currencies, as few or no remittances will be required to be made from one part to another to answer drafts; there will be no violent interference in the natural course of the money circulation, though a treasury may be occasionally exhausted by the discharge of drafts; the money remaining in the same district, will again return to it in revenue payments; due credit will of course be given for all advances on account of the Bank, and in the event of local distress any where, a neighbouring district, or the Presidency, will always be at hand to relieve it.

22. Another object in the contemplation of the Plan, is to furnish as many checks as possible against an excessive issue of paper, as prejudicial always in its effects to the public as to the Bank itself. To prevent over-traders (of whom many are found among the secondary class of merchants in all countries) from taking improper advantage of the Bank, it is authorized and even particularly required to use its own discretion and judgment in granting credits or cash accounts; for men of the description above mentioned, on producing undeniable security, might raise funds with a Bank to promote imprudent speculations, and thereby throw an excess of paper into currency; for the inconveniences of which to the public, even the ruin of the speculator, would be no recompense, and the security of the Bank no remedy. This means of excessive issue may therefore, it is hoped, be effectually checked in India, from the accurate knowledge in so limited a community, which Bank Directors may attain of the nature of their neighbours mercantile speculations; whilst it appears advisable to extend this power to the Bank, lest it might otherwise be exercised by the shroffs to the prejudice of this institution.

23. In the business of discount, it is true, a bank is liable to be imposed on by speculators through the medium of bills of accommodation; fictitious drafts may be presented for discount, and a capital or sum of money may thus be obtained from a bank under fraudulent pretences; but in this country, again, as above intimated, where the commercial community is so limited, and its members, generally speaking, so well known, frauds of this description can hardly be practised to any great extent. It would seem to be within the power of vigilance on the part of the Bank, to restrain the evil so as never to produce permanent mischief; for the Bank may narrow its discounts, or in this country raise its rate of interest at pleasure; and it is not a casual and temporary excess of paper that is so injurious to the

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Public, as that permanence of superabundant currency, which necessarily affects the nominal prices of all commodities.

24. Yet notwithstanding these checks on the speculations of others, experience teaches us that there is a manifest tendency in directors themselves and proprietors of bank-stock, to increase their issues of paper to an extent hurtful to the public, for the promotion of their own private gains. The greatest banks in the world have been guilty of this error, and the Bank of Ireland, and even the Bank of England, are at this day existing proofs of the fact.

(E)

25. After the restriction of payments in specie in 1797, the former had, in six years, increased its paper issues from about £. 600,000, to upwards of 2½ million; and the latter, from about 10½ million, to upwards of 16 million; and the bad effect is universally felt.

26. It is here, then, that the Government Director may be found chiefly useful, with no other interest in the Bank but what may arise out of an esprit de corps: his chief views will be directed to the successful operations of the Sinking Fund, and to the public advantages derivable from the whole institution; he may therefore successfully interfere, and even exercise a salutary influence in checking speculations tending to promote private advantage at the expense of the public good. It is in this view of salutary check, without the power of undue influence, that utility is anticipated from the services of a Government Director; and in this view, his mind should be familiar with principles enabling him to discriminate between the advantages of the banking system and its abuse; and to prescribe a limit to speculations beyond which Directors should never pass. In this duty, however, he will only point out the rule which is still left to the good sense and public spirit of the conjoined Directors to adopt or reject.

27. It has been observed, that the most perfect and most commodious currency of any great commercial country, consists in a due union of paper with the precious metals, and some of the reasons above given are a proof of its convenience to commerce: the value however of every currency is measured by its utility, and the consequent confidence placed in it, by the concurrent opinion of the world, as a medium of exchange. Divest the precious metal of its worth as a commodity, and it is the general confidence of the world in its immediate convertibility into articles of use and consumption, that gives it value as a money currency: for the same reason, paper must owe its *entire* value (since it possesses none within itself) to confidence: this confidence is complete while it continues a real and useful representative of the precious metals which enjoy the general confidence of the world: but the precious metals themselves have their utility proportioned to the demand for them in any country, as a medium of exchange; their use diminishes with superabundance; in other words, their value lowers, and the currency is then said to be depreciated: if this happens to the metals themselves, how much more evidently must it be the case with paper? A superabundant currency, therefore, whatever it consist of, is a depreciated one; and in proportion as its own value is lowered, that of every other commodity is raised: a more striking example cannot be produced than the effect of the discovery of the American mines; it threw an abundance of metal into the great money market of Europe, which proportionably raised the money prices of all commodities for which it was exchanged: commodities are now estimated at 15 times the price they stood at the conquest; other causes have contributed to this increase of price; but the abundance of money lowering its own value, is a chief one.

N. B.—It is said by one of the ablest writers on this subject, that, when in England, payments under five pounds were made in cash, and larger payments in paper, convertible immediately into specie, the system appeared to unite the conveniences, and exclude the disadvantages of a paper currency in the greatest possible degree. If a similar principle be adopted in India, it is hoped it may never be slightly relinquished in the practice of banks. Experience has proved the evil of deviation from salutary rules.

28. It is therefore evident that every currency should be proportioned to the exact demand there may be for its use, as a representative of value, or medium of exchange: gold and silver, if left to the natural course of things, would find their own proper limit; but a paper currency, capable of arbitrary increase, requires to be regulated: it should never exceed in amount the quantity of precious metal a society would otherwise demand, and of which it is only intended to be an useful and cheap representative: its *constant* and immediate convertibility into *specie*, is a satisfactory indication of its being always confined within this, its proper boundary; without this convertibility indeed, it at once loses a portion of that confidence which is its only value: with it, confidence is firmly established; and though at first it may be rather slow of growth, where the institution is quite novel, yet a confirmed experience in this immediate convertibility into cash, must necessarily give at length its just value to paper, in every commercial country in the world.

N. B.—When paper is issued into currrency, it will, in its first effect, supersede the use of so much coin. The coin not being required in home circulation, will of course lose a portion of its value in that particular channel; it naturally seeks employment in others; more may be now employed by jewellers and manufacturers in precious metals. Merchants finding the paper answer for the transaction of home concerns, will employ coins in their commercial intercourse with foreigners, or in purchases or payments where

29. It must not however be supposed that discount is the only proof of excess in paper currency: bank paper may be excessive to a considerable degree before it attains this point of depreciation; the first effect of a superabundant currency is, as in the case of the precious metal itself, to raise the price of commodities by being lowered in its own value: this effect not being so plainly perceptible as a positive discount, is the more dangerous from its secret operation, and therefore the more necessary to be guarded against. Every species of depreciated currency produces this effect; and when a known large quantity of paper exists in circulation, it may, with great probability, be assigned to this cause. Bullion being a commodity like others in the market, and, generally speaking, more steady than any other in its price and value, is commonly looked to as one test of this excess; and where its market price for a constancy exceeds the mint price, without being

being explicable by an unfavourable balance of trade, it is generally esteemed a criterion of debased currency. The course of exchange with different foreign countries, is another common test, because the goods purchased by nations from each other, will be ultimately estimated by their bullion, not currency value, and all other things being equal, the exchange will necessarily be, or appear to be, against that country whose currency is depreciated. This test is a good one in countries where the exchange is not under the influence and direction of money-dealing monopolists; but in this country, where shroffs almost exclusively regulate the course of exchange, as their own views or interests dictate, the test may not be so applicable as that of the steady market price of bullion.

where coin will go further than the paper currency; a quantity of coin proportioned to the issue of paper will thus silently and gradually be displaced in the home circulation, and without any apparent effect on the price of labour and commodities; but unless there be proper checks to the issue of paper, it may go on imperceptibly and gradually increasing, till it becomes excessive; *i. e.* till there be more than the circulation would have absorbed of coin had there been no paper issued. This effect is first felt in a rise of prices, because the currency is depreciated by superabundance; but it does not follow that the paper will be at a discount, because gold and silver, possessing intrinsic value, will still find employment at home; the greater loss and charges of exporting it, may prove a certain portion to continue in the home circulation along with the paper currency, and they must necessarily pass (while the public confidence is not impared) at the same rates in respect to each other; but if the excess of paper continues to increase till the depreciation at home is so great as to render it actually profitable, after defraying all charges of freight, insurance, &c. to export the coin, then it will be forced abroad as it were for exportation sake; it may be said, to shun all further intercourse with the depreciated paper currency; and the latter will naturally bear a positive discount, because it must then pay a premium for retaining gold, &c. at home, which otherwise it would be more profitable to export. In the intermediate gradations of debasement, however, it would seem that paper may continue to circulate in excessive quantity, without this more observable and striking mark of degradation.

30. The state of home currency is, however, a matter of the highest importance in the administration of an extensive or National Bank; for it must be remembered, that every depreciation of that currency is not only a public inconvenience, but equally public injustice. Whatever lowers the intrinsic value of a currency, is a positive violation of every existing contract in the country. Every creditor finds the amount of the just debt due to him diminished; every income is lessened in value, from inability to procure for its possessor an equal amount of the necessaries and comforts of life. Every description of wages is necessarily raised with the rise in the price of commodities. Every consumer feels it, though he may not be aware of the real cause; and even Government, the greatest consumer of all, have all their expenses increased in the same proportion, and must accordingly have ultimate recourse for relief to increased taxes.

N. B.—An excessive issue of paper is not only an inconvenience to the public in the rise of prices, but will be felt by the Bank itself, which is required to discharge its notes in specie on demand. For in the case of the market price of bullion exceeding the mint price, there will naturally be a run on the Bank for specie to convert into bullion, a run which might subject the richest Bank to very heavy distress.—Hence it occurs, that the constant and immediate convertibility of bank paper into specie, is, as a general rule, perhaps the best security that can be adopted against excessive issue, for in the event of excess, the paper will naturally return on the Bank to be exchanged.

31. An excessive issue of paper, therefore, though not subject to an actual discount, must have precisely the same effect on the community at large, as a proportionate depreciation in the gold or silver currency. It is the same, in effect, as those detestable expedients of the governments of old, in diminishing the intrinsic value, or raising the denomination of their coins for the sake of temporary gain; and which have been the execration of all subsequent writers. It is, in short, a power too extensive, and too important in its consequences, to be solely intrusted in the hands of men who have a manifest interest in abusing it; and it is in this respect, therefore, in particular, that I think a salutary check over the operations of the Bank, should be exercised by the Government itself.

It is this due limitation of paper currency, also, which gives it a stable and permanent value, and stability is a point of the utmost importance in every medium of exchange; an unstable currency must be one of impaired utility, considered as a measure of value; and what stability can attach to paper that fluctuates beyond the limit of that intrinsic value which it is merely intended to represent?

Constant and immediate convertibility into specie is therefore a rule which cannot be too much insisted on.

32. In other respects, and in all useful respects, the Bank will enjoy entire freedom. They will have every aid which Government is capable of affording; and that aid will, as it ought to be, liberally granted. The chief object of Government being the speedy reduction of the public debt, that object attained, its views of collateral advantages, from the establishment of the Bank, will, as they ought to be, proportionably limited.

(Signed) *R. Rickards.*

Ordered, That the following Letter be written to the Honourable the Governor in Council of Bombay:

To the Honourable JONATHAN DUNCAN, Esq. Governor in Council of Bombay.

Honourable Sir,

WE have the honour to acknowledge the receipt of your Letter under date the 22d of October last, transmitting copy of a Letter addressed to you by Mr. Rickards, with the several Documents mentioned to accompany it, on the subject of paying off the Indian Debt by the institution of a General Bank.

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2. The Honourable the Court of Directors having in a late dispatch expressed their decided opinion against the establishment of a public Bank, in which it is proposed that their Government should have an interest, without their previous sanction; we do not consider it to be necessary to take the subject into our consideration, but recommend it to Mr. Rickards to submit the Plan in question to the consideration of the honourable Court.

We have, &c.

Fort William, the 6th May 1808.

(Signed) MINTO,
G. HEWETT,
J. LUMSDEN,
H. J. COLEBROOKE.

EXTRACT BENGAL PUBLIC CONSULTATIONS, the 29th July 1808.

Government of Bombay.

To the Right Honourable GILBERT LORD MINTO, Governor General in Council, Fort William.

My Lord,

AS connected with the subject of our Letter, dated the 22d of this month, we have the honour to forward a copy of a Minute delivered in by our colleague, Robert Rickards, Esquire, on the subject of your Lordship's dispatch, under date the 23d of last month.

2. Being specially restricted, by the repeated orders of the Supreme Government, from adopting any measure of finance connected with the annual supplies, otherwise than as your Lordship in Council may be pleased to sanction; and your late orders of the 23d of May, authorizing a recurrence to bills of exchange, on the condition only of the loan now open at this Presidency, continuing to prove as unproductive as at the period of your late Instructions, all that we can, under such circumstances undertake, is to transmit a copy of Mr. Rickards's Minute for your Lordship's determination.

Bombay Castle, 24th June 1808.

We have the honour, &c.

(Signed) *Jon^n Duncan*,
Thos Lechmere,
R. Rickards.

MINUTE.

THE Letter of the 23d ultimo from the Supreme Government, having directed our recurring to the system of drafts or bills to furnish the pecuniary exigencies of this Presidency, I would beg leave to submit whether our immediate adoption thereof to the fullest extent that may be authorized, may not be preferable to the mode of raising our supplies by loan.

Notwithstanding the supposed advantages of the present open loan, notwithstanding all that has been said or written in favour of Government loans, and that the payment of interest is no loss to the nation, since it is only a transfer of revenue from one part of the society to another, &c. &c. I apprehend it may still be found liable to solid and fundamental objections. It is not my intention to enter into a detailed discussion of the subject, which would lead to tedious length, and at present unnecessary, but merely to state a few plain reasons in support of the objections I conceive to exist against this mode, whenever avoidable, of fiscal supply.

To appreciate these, it will be necessary to go beyond the mere superfices of the subject, which is but too apt at all times to mislead with false or imperfect views of immediate benefit, and to leave the mind unconscious of ultimate and permanent consequences; and as the evil of misapprehension, in respect to the financial arrangements of a nation, is proportioned to the importance, magnitude and extent of their influence, it would seem to be the more advisable, as it is always practicable, to recur to first principles, and to keep in mind the effect of natural operations, which cannot be obviated, nor even attempted to be opposed, without prejudice to the society at large.

It will probably be admitted to have been clearly demonstrated by Doctor Smith, that the prices of all commodities are resolvable into three parts; viz. the rent of land, profits of stocks, and wages of labour; that is, into some one or two of these three parts, or, as most commonly happens, into all three. The profits of stock or profit, as it is commonly termed, is, for example, an evident component part of the price of every vendible commodity. The wholesale merchant, who deals out these commodities to inferior traders, and to retail dealers, not only trades upon his own capital stock, but in

in what he may be able or disposed to borrow at the time in the society at the interest authorized as established by law: the inferior traders and dealers do the same. The profits of their mercantile dealings, must therefore, among others, enable them to pay this interest. The interest being thus a part of their profit, is consequently a component part of the price of every commodity they sell. It therefore raises the price of every commodity beyond what would be its natural standard, if no interest were to be paid to the lenders of money by the different descriptions of commercial dealers; money however cannot be borrowed without interest; but it is manifestly for the good of the whole society that it should be as low as possible, for it is a commercial charge on the price of the commodity; all commercial charges are a burthen, however necessary, and the lower they can be reduced, in all cases, the better. In India the interest of money is universally high, and competition can hardly expect to lower it, while the Company's Treasury continues open at the present rate.

Interest, moreover, is a child of commerce; and inasmuch as its influence is limited to raise the price of manufactured commodities, it necessarily lowers the value of rude produce for which the manufactured is exchanged, and thereby operates to the serious detriment of the most important, the most valuable, and the most productive branch of human industry.

The interest required for the payment of public debts, has a still further operation; the interest is the price which Governments are obliged to pay for the money they borrow, and in India is chiefly resolvable into the rent of land; Government absorbing, in some countries, all, and in others, by far the greater part of that rent in the public revenue; the pernicious effects of which, I have endeavoured to explain in other papers. Inasmuch as this interest is raised from tolls, from farms, and other direct duties on consumable commodities, it is another direct enhancement of the price of such commodities; and through the influence of these prices on the wages of labour, an indirect enhancement of their recompense alone.

Taxes levied for the payment of this interest, diminished too in proportion the general wealth of the society, for the expenditure of this sum by Government, or even by idle annuitants, is not so profitable an employment as it would find, if left in the hands of individuals, by adding to the amount of productive capitals. The sum of annual reproduction is therefore diminished, or is not so large as it would be, had not the wealth absorbed in the afore-mentioned taxes been withdrawn. Inasmuch therefore as there is a diminution in the quantity of annual reproductions, proportioned to the effectual demand, it will operate as a further enhancement of the price of commodities, from all which sources of enhancement, every consumer in the society, however ignorant of the cause, materially suffers, and Government more especially, the greatest consumer of all.

These effects are not the less severely felt, because not always perceptible within the limit of common observation, because the price of grain, for example, does not sensibly rise from 16 rupees per candy in one day, to 17 the next, 18 the next, and so on, or because the wages of labour do not visibly increase from 10 rupees in one month to 15 in another, &c.; but let the price of commodities be compared, at given distant periods in any country, where more and more money is annually borrowed at fixed interest, and particularly a high one; let the Government of such countries similarly compare the amount of their own annual expenditure; let them compare the charges of military equipments, and the expenses of campaigning armies; let them consider even the wants of their own domestic servants; and that allowances, formerly thought handsome, are now but a bare maintenance, and the effects above intimated will probably be thought more apparent.

It is not intended to say that interest is the sole cause of the augmentation of prices in commercial commodities, neither are the preceding the only ways in which it is supposed to effect prices; but these are perhaps sufficient to show that it is one evidently operative cause of increase, and that the injurious effects are equally felt by the society at large and by Government. I should therefore always be disposed to prefer the raising of our supplies by bills on Bengal, as now directed by the Government General, and to the full extent to which they may be enabled to authorize our drafts, rather than recur to the alternative of a public loan, which, if the reasons above given be true, ought to be deprecated, except under circumstances of absolute necessity.

The sum, in short, of the preceding reasoning, is, that in proportion as interest tends to augment prices, the value of every income in the society is diminished; the income of Government being the largest of all, they are of course individually considered the greatest sufferers; and a short calculation on these priciples, might show that the premium, for example, now paid in subscriptions to the loan, was but a deceitful gain, contrasted with the lowered value of the public revenue; the gain being limited, perhaps only nominal, the less real and perpetual, and fell in the amount of every future outlay, as long as the debt and its interests may continue to exist.

At all events, the reasoning here submitted, may afford hints for a more minute view of the subject, although the Board may deem it unworthy of adoption.

Bombay,
June 23, 1808.

(Signed) *R. Rickards.*

No. 5.

Papers relative to *Mr. Rickards's* Proposition for establishing a General Bank, &c.

P. S. Finding in a late publication of some celebrity (which I cannot help thinking, however, it owes more to the peculiar circumstances of the times, than to its own intrinsic merits) that the argument, of interest on national debt being no public injury, because it is only a transfer of revenue from one to another, is again brought forward with apparent plausibility: a few remarks thereon, may tend to elucidate more fully the subject of the preceding Minute. The author observes,—"Those who contend that the deprivation to "which the payers of the interest of the national debt, are obliged to submit to, must "necessarily diminish the demand for the industry of the country, forget that although "the sums they pay, are not by themselves expended in consumable commodities, yet they "are so expended by the receivers of the interest of the national debt, though the land "proprietor, the farmer, the manufacturer, now consume less luxuries than if they had not "to pay one half their income (which they really do pay in taxes); yet the stock-holder "takes their places, he expends the sums which they save, and thus *the effect is just the same* "on the prosperity of the nation."

To estimate aright the force or fallacy of these arguments, let us suppose that A, previous to the existence of the debt, had an income of £.2,000 per annum, and according to the premises of the same author, that it be reduced one half to A, by the payment of taxes; which half is transferred to a stock-holder; A, then, it is admitted, has his power of consuming diminished by £.1,000 per annum, which is transferred to B; but the taxes which thus diminished the former's income, are raised on consumable articles, and are therefore an addition to the price of such articles, which is now, on the preceding date, doubled.

The powers of B to consume, is therefore proportionately diminished also; this £.1,000 per annum will only purchase as many enjoyments as £.500 would formerly; whence the specific original income of £.2,000 has its power over the industry of the country reduced by one fourth; although the full half lost to the original proprietor, should be in toto transferred to the stock-holder, the sum total of annual expenditure, which is admitted by the same author *to be the very essence of our system*, is therefore evidently diminished equal at least to *one fourth* of the revenue of the nation thus affected.

This too, it must be admitted, is a more favourable division of the original income than ought properly to be conceded in a correct view of this argument, for all the taxes paid by possessors of income in a nation are not transferred to resident stock-holders, but are still more wasted in their expenditure; and if we consider the numerous other incomes which the free expenditure of this £.2,000 per annum by its original proprietor, would constitute or contribute to, in the great variety of hands it would pass through, in a nation of few or no taxes and brisk circulation, it is not impossible that its power over the industry of the country might be ten or twenty fold greater than in states where, from multiplication of taxes, this power is impaired one half in every income into which, through circulation, it could be made to enter.

Supposing, however, according to the other view of the subject, that the portion of revenue of any society so affected, were equal to 60 million sterling, and that taxes were to be levied to pay the interest of the national debt, which should have the effect of doubling prices, it would seem that expenditure, the very essence of our system, that "the demand in fact for the industry of the country," would be diminished 15 million per annum; that is, that consumable commodities to this amount could not be brought into being, from want of purchasers, which there could be were there no interest, and consequently no stock-holders to participate. The effect therefore on the general prosperity of the nation, would certainly *not be the same*,—it would be highly injurious; whilst the revenue of Government, like that of the original proprietor of £.2,000 per annum, would be diminished in value one half; *i. e.* the same expenses and establishments which formerly cost them ten million, would now cost them 20 million, and go on from year to year to cost them more and more as their debt or taxes were required to be increased.

Bombay, Council Chamber,
24th June 1808.

(Signed) *R. Rickards.*

(A true Copy) (Signed) *F. Warden,*
Chief Secretary to Government.

Ordered, That the following Letter be written to the Governor in Council of Bombay, in reply to the foregoing.

To the Honourable JONATHAN DUNCAN, Esquire, Governor in Council of Bombay.

Honourable Sir,

WE have the honour to acknowledge the receipt of your Letter under date the 24th ultimo, transmitting a copy of a Minute recorded by Mr. Rickards, a member of your Board, respecting the mode of providing the supplies required for the service of the Presidency of Bombay.

2. It is evident, that while the Admiral charges, and the amount required for the provision of investment at the several Presidencies, shall exceed the annual receipts, the deficiency of supplies which shall be required for the public service, must be raised by means of loans, and we do not perceive the advantage which can arise to the public interest, by discontinuing that mode of raising the supplies required at Bombay, and opening your treasury for bills on Bengal, while we must have recourse to the very same measure here, viz. that of raising by loan the amount which may be required to enable us to answer those bills.

3. We are of opinion that it is advisable to raise as large a proportion of the annual supplies at Bombay by loan as may be practicable, and that you should draw bills on this Government only in the event of that mode of raising money being inadequate to provide the deficiency of your own Presidency.

4. It was conformably to these sentiments, therefore, that in our letter dated the 23d of May last, we had the honour to recommend your opening your treasury for bills on Bengal to such an extent as may be required for the supply of your wants, in the event of your subscriptions to the loan now open at your Presidency, being inadequate for that purpose.

We have the honour, &c.
(Signed) MINTO,
J. LUMSDEN,
T. H. COLEBROOKE.

Fort William,
the 29th July 1808.

EXTRACT BENGAL PUBLIC CONSULTATIONS, the 9th Sept. 1808.

Government of Bombay, Political Department.

To the Right Honourable GILBERT Lord MINTO, Governor General in Council, Fort William.

My Lord,

IN reference to your Lordship's Letter of the 6th of May, we have the honour to transmit a copy of a Minute, dated the 17th of this month, and its enclosure, as delivered in by our colleague Robert Rickards, Esquire, bearing general reference to future reforms and reductions, such as our colleague views to be practicable, in the Establishments throughout India; particularly in the Revenue and Judicial branches of the public expenditure; and upon which very extensive ameliorations being contemplated, in the general condition of the British possessions in India, it seems proper that a communication, inferring such beneficial effects, should be submitted to that authority which can most extensively give them operation.

We have the honour to be, &c.
(Signed) *Jon[n] Duncan,*
Tho[s] Lechmere,
R. Rickards.

Bombay Castle,
22d July 1808.

MINUTE.

IN pursuance of the recommendation of the Supreme Government of the 6th of May, and of my short Minute recorded thereon, under the 27th following, I now submit another copy of my scheme for paying off the Indian debt, to be transmitted by the approaching dispatch to the honourable the Court of Directors.

A complete copy of the scheme is contained in the vouchers from A to E, to go a number in the packet, as affording a more easy means of reference than direction to a voluminous diary. Those vouchers therefore contain nothing new; but as it may be desirable, particularly at so great a distance from the superior authority, to leave no conceivable objection that might be urged against the Plan unanswered, I propose, in this Minute, to state such as have been made to me in this country, together with my answers thereto; since, if the same objections should occur in England, these at least may, I hope, be found to be refuted without further reference.

3. First.—The most important of all the objections urged, is perhaps the want of surplus revenue to supply the Sinking Fund with the annual million said to be required for its use; and this objection has always erroneously run on the idea that the supply of an actual million annually, was indispensable to the execution of the Plan.

4. In

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Papers relative to *Mr. Rickards's* Proposition for establishing a General Bank, &c.

4. In the scheme itself, I have already stated the reason why I took a million sterling per annum to *calculate upon*; but an attentive consideration of it, will at once show, that this amount is by no means indispensable; in calculations, it is necessary to take some specific sum as the foundation thereof, and a million was accordingly assumed; but if the surplus revenues cannot afford this amount, they may afford some other lesser sum to aid the operation of the Sinking Fund, and all in fact that the plan in this respect proposes, is the *most rapid* liquidation of debt, *under due controul*, which our means and resources in India will admit of.

5. It may, however, be urged, that under present circumstances there is no surplus revenue to contribute to the aid of the Sinking Fund; and some lately published statements give reason to apprehend the fact. In this case, as the reduction of the Indian debt would doubly appear to be an object of the first importance and necessity, and even the *rapid* reduction of it, for reasons to be adduced presently, I would beg leave to refer the honourable Court to the two papers I have taken the liberty of recording; one dated the 24th September 1807, the other, 7th July 1808, on the revenue systems of India: wherein I have pointed out the means of reducing the revenue *native* establishments to a considerable amount. This proposed reduction is no vain speculation, for it has been put to the test of experiment in Malabar for a series of years, with complete success; one, I may also add, of the most difficult collectorships in India. In that province, a saving was effected in 1803, by reduction of revenue native establishments alone, of 1,40,000 rupees per annum. In the first year of the reduction, more revenue was realized from the province than ever had been received from it before; the successor of the collector who effected it, has gone on even with a somewhat smaller establishment than his predecessor left him, and with continued and even improved success. This fact, however, is here mentioned with no other view than merely to show, that if similar reductions took place generally on the principles set forth in the two Papers or Minutes above referred to, the Sinking Fund would no longer want the means of powerful operations on the Indian debt. It is not only a perfectly unobjectionable, but highly desirable method, also, of permanently reducing the public expenditure, and far preferable, in my humble opinion, to the measure of curtailing European allowances, the policy of which, independent of the odium it excites, may in a national point of view be strongly questioned.

6. I do not hesitate to add, on the grounds of experience likewise, that similar reductions are capable of being made with equally good effect in the Judicial department. Our present judicial system is a theory to be admired, and founded for the most part on solid principles. While the principles may be admitted to continue, or at all events with some little modification, the mode of administering them in practice, must sooner or later undergo reform, unless it should be determined to persevere in opposition to confirmed experience of its insufficiency to fulfil the object in view. The establishment of a Zillah Court, for example, is so very expensive, that it will ever be impossible to have a sufficient number of them to give justice to all who want it, in a country, generally speaking, far more comparatively populous than perhaps any European state, and at the same time poorer to. A complainant whose daily labour is his own and family's support, cannot go 20 or 30 miles, or even more, to seek justice, when the expenses of his journey, and detention at the zillah, will even exceed the amount of his suit; he must content himself with the original injury or loss; and the attempt to remedy this inconvenience by means of native referees, is, in my humble opinion, only to place power in the hands of people *most sure* to abuse it. But this is not a place to examine the merits of the judicial system. If the question ever comes to be discussed, I can point out what I believe, from personal experience, to be the *utter impracticability* of administering justice universally, or even generally, by means of the zillahs, on their present footing; and also the means of very considerably reducing this branch of the public expenditure: the savings in which might be equally applied, as far as was found requisite or expedient, to the uses of a sinking fund. By means of both these reductions, I should conceive it might be supplied with funds to any requisite amount, although no aid, under existing circumstances, could be derived from surplus revenue.

7. Secondly.—It has been objected, that the proposed liquidation of debt is too *rapid*; that all hasty movements in objects of finance, are to be deprecated; and the usual arguments are brought forward in respect to the convulsion it would occasion in property, &c. too well known to be repeated; adding, that the "present sinking fund which appropriates 2 per cent. "on the original amount of the Indian debt," would liquidate the whole in 21 years; which slow operation is deemed preferable to the other.

8. Admitting that a Sinking Fund of £. 2 per cent. is capable of relieving Government from the present grievous burthen of debt in 21 years, provided no interruption or impediment intervenes, still it does not follow that it *will* do so; for in so long a space as 21 years, wars and other casualties will in all human probability occur to arrest its progress, or defeat its otherwise beneficial effect. It has been the fate of most, if not all sinking funds, from the slowness of their operation, to yield a good that is but scarcely felt in the increase of public burdens, which accumulate before the object of the fund is capable of attainment; they thus diminish debt without affording effectual relief; it is like help to a drowning man without taking him out of the water; life is continued, but with the fear and danger of impending destruction still before his eyes. Past experience, therefore, warrants the establishment of a fund of more rapid operation, of a fund in fact equal to its object, in spite of ordinary obstructions and difficulties.

9. As to the convulsion of property apprehended from the too rapid operation thereof, let it be remembered, that this property is, in part at least, that of the very persons who have

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the management of the Bank and Sinking Fund in their own hands, and who, by primary arrangement at the institution of the Establishment, or by majority of votes at any subsequent period, may check this apprehended convulsion, whenever, if ever, it is found to be injurious or inconvenient; the rapidity of its operation is therefore no argument against it, when that rapidity may be checked at pleasure.

10. But after all, the speedy discharge of public debt is more, perhaps, a cause of chimerical than of rational fear: we have all seen the evils of an increase of debt; who has yet seen the evil of discharging it? In countries where capital has already filled every channel of employment, the dread of convulsing property by the sudden discharge of a large debt, may be justly founded; but if there be any truth in the papers which I have already had the honour of submitting to Government, under dates 24th of September 1807 and 7th of July 1808 (both recorded under the 9th instant), it must be admitted that in India there are channels still capable of receiving any quantity of wealth that can be poured into them, and which only require *to be opened* to receive the genial current. Supposing, therefore, this *opening to be effected*, the rapid discharge of Indian debt would then be one of the most fortunate things that could happen for the rising prosperity of the country; setting industry and ingenuity at work to find out new applications for capital, the sums paid off would overflow into a thousand useful courses, and commerce, agriculture, architecture, and every branch of public and private industry, would receive a new impulse; the inconveniences, if any, would be momentary, the benefit eternal. But the single observation of the probability of wars (added to the consideration of there being now, in time of peace, no surplus revenue) is itself decisive of the necessity of employing the largest possible fund for the discharge of the debt; and on this account alone, a sinking fund that has only power to extinguish a debt of 20 million in 21 years, will, in my opinion, never give *effectual relief:* it may accomplish its object; but in the period proposed, another 20 million, or even more, may, and probably will, still leave the same financial difficulties and dangers to be encountered.

11. As connected with this part of the subject, I shall beg leave to add a few more remarks on the operation of the Sinking Fund, which may eventually be found of the utmost importance; and to avoid all further misconceptions of the component parts of the fund (for these have also been misconceived) and of its particular mode of operation, it may be useful to prefix a concise statement thereof.

12. The Sinking Fund, as stated in the Plan, consists of the proceeds of 4 million of bank stock, as per Papers A and B; or otherwise, of the two million, or any other determined amount, as per Paper of modification D, together with an annual million, or some other amount capable of being supplied from the surplus revenues, or from the proposed reductions above adverted to, of native establishments. These are its only two component parts: it has nothing whatever to do with any other sum mentioned throughout the scheme.

13. Then suppose the Sinking Fund to consist, as per Papers A and B, of one million, to be supplied from the *surplus revenue*, and the interest of 4 million of stock, or £. 320,000, to be paid out of the other annual million supplied to the bank from the ordinary, and now appropriated revenues, and which is in fact at this instant applied in the same way, viz. to the payment of interest on the debt; then the fund will consist, in the first instance, of £. 1,320,000; the odd £. 320,coo would however be an extra charge on the revenues, if a corresponding amount of debt could not be annihilated; but with the aid of the Bank and stockholders, that amount of debt, or 4 million, is annihilated or paid off, and the £. 320,000 of interest thereon goes to constitute this branch of the Sinking Fund.

14. It is true this £. 1,320,000 bears no interest of itself, but it is immediately converted into stock or notes, which do bear interest; the annual proceeds thereof in cash being also similarly converted into stock or notes, in each succeeding year, the accumulation of interest cannot fail to proceed, as specified in the Statement annexed to A. It is moreover a fund which is anticipated to operate in its *full amount* on the Indian debt, because the Company are bound to provide funds in England for paying off such part of the debt as may be demanded, by drafts, in whatever way and at whatever time it may be liquidated, and may be supposed to be prepared for the event. It is therefore probable no deduction will be required from the proceeds of the Sinking Fund in this country to pay the small amount of interest there may be due upon a required loan in England to discharge drafts.

15. But here a very important suggestion occurs: let us suppose the worst. Suppose the Company may not be provided with funds to answer these drafts, and that, on the contrary, they should be obliged to borrow in England, not only the first £. 500,000 to discharge drafts, but also to borrow another annual sum equal to the interest thereof; in other words, suppose they are obliged to borrow this £. 500,000 at compound interest of 5, 6, 7, or even 8 per cent. for 8 years, *secured on their Indian revenues*, a short calculation, compared with the figured Statement annexed to A, will show that the operation of the proposed Sinking Fund will still liquidate the whole in less than 8½ years, for (vide that Statement) if we admit the £. 500,000 to be even doubled in 8 years by means of the compound interest at which it may be borrowed, and to stand then at one million—let the full supply be contributed to the Sinking Fund in this 8th year, instead of the reduced sum specified in the Statement, and it will leave no more than about £. 600,000 of debt to be liquidated after the expiration of the 8 years, which the Sinking Fund, from its amount, will then be equal to accomplish in about 4 months longer.

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16. If this explanation then is perfectly clear with respect to A and B, it must be equally so with respect to the lesser sums calculated upon in the modified Paper D (which however supposes drafts on the Court of Directors to the amount of either 1 or 2 millions) and it must be equally so with regard to any other sum whatever adopted as the basis of the Sinking Fund, provided the principles of the Plan be equally adhered to, and which in short is intended to exhibit the means of establishing a Sinking Fund free of extra charge on the Indian revenues, capable of extinguishing the debt in a short period, and with *ability to afford effectual assistance to the Company in England, should that be required, in raising funds for the discharge of the drafts which must necessarily be made on them whenever the debt comes to be paid off; for if we suppose the fund to be in full operation in this country, the Company, it is presumed, will experience no difficulty in borrowing money in England, which they have thus such speedy means of repaying, to answer any conceivable amount of drafts, or other demands, that may chance to be made on them.*

17. At all events it is not to be supposed an arrangement of this kind will be attempted without previous preparation by the Court of Directors, or without perhaps the sanction of the Legislature; some of the existing loans in India, it may be added, contain a stipulation whereby the principal as well as interest of the debt is payable by drafts on the Court of Directors at any time optional with the holder of the promissory note. They are therefore liable, even now, to a demand for millions (a late publication says 17) on any sudden alarm, and if not prepared to meet the demand, it may not be unacceptable to show the means of relief whenever this difficulty may occur.

18. Thirdly.—The remaining objections I have to notice, seem to me to arise chiefly from misconception of the object and principles of the Plan. It is, for example, objected that the Plan is of too gigantic a nature, that the issue of $3\frac{1}{2}$ million of notes is more than the circulation of India will absorb, supposing, as the objection erroneously does, this $3\frac{1}{2}$ million to be indispensable, and four million to be in every case required as applicable to the establishment of a Sinking Fund; and that the *creation*, as it is misnamed, of so enormous a capital as $8\frac{1}{2}$ million, for the stock of the Bank, is out of all proportion, is impracticable, and even dangerous, &c. and that the security for payment of the income of bank-stock is only plausible.

19. The papers A and B, it is true, contain calculations founded on the *supposition merely* of four million being paid off in the first instance, thereby forming the basis of a Sinking Fund; but it is also evident that neither of these papers *absolutely require* this amount of notes to be issued, or of debt to be paid off; it *may be any lesser amount, suited to what the circulation of India will easily* absorb: and that this part of the subject might be exhibited in a clearer point of view, Paper D was prepared to show, and I think it clearly does show, that the Plan, on the principles proposed, is capable of modification, *so as that the amount of the Sinking Fund, in the first instance, be exactly regulated by the advantage or profits which Government may be enabled to realize from the institution of the Bank Paper* D; then proceeds to a calculation, founded on the establishment of a Sinking Fund of *two million* only, instead of four at the first outset; and in which the first issue of notes for all India may, according to the principle of A and B, be only one million, or according to C, it may be *just that quantity, and no more,* which the circulation will easily absorb, and with this Sinking Fund of two million only, the debt is shown to be capable of liquidation in 9 years. In the voucher No. 1 are annexed the remarks of a gentleman of highly distinguished knowledge and science on this subject, together with a short answer, which will tend to show the still further modifications of which the Plan is susceptible.

20. As to the capital stock of the Bank, whether it be taken at $12\frac{1}{2}$ or $8\frac{1}{2}$ million, if the nature of it be duly considered, that it is in fact no new creation, that it already actually exists, and that its conversion into bank-stock is no more than a *mere change of name,* it may I apprehend be termed any thing but gigantic. Its amount will be no objection to subscribers, if it yields a *certain* adequate income; and none to the public, or Government, if it has the effect of a rapid liquidation of debt, and consequent diminution of present heavy taxes. The security for the payment of this income is real and not plausible, it consists, as at present, of a portion of territorial revenue now applied to the *payment of interest on the debt,* which only requires, on the institution of the Bank, to be repledged in the same way for as much of the said debt as may be converted into bank-stock. There is here no creation of a new and gigantic capital: it already exists, together with the revenue appropriated to the payment of its interest: its name only is changed. In this view of the case, there would seem to be neither danger or impracticability in the conversion of $8\frac{1}{2}$ million, or of some other amount of debt, into stock; for supposing this stock secured to yield 8 per cent. certain interest, and that the holders of this stock realize, say only 2 per cent. more from the net profits of the Bank, making altogether 10 per cent. would not stock of this description be greedily purchased? and if not subscribed for in promissory notes of the present debt, it must be paid for in money, which would serve to discharge the corresponding amount of notes. But of this sum of $8\frac{1}{2}$ million, as of others stated in the Plan, it seems still necessary to be observed, that in calculations tending to elucidate principles, it is necessary to have recourse to specific sums, particularly where the subject is abstruse, in order to carry through some clear connecting idea of cause and effect. If $8\frac{1}{2}$ million cannot be converted into stock, some other lesser sum surely can, and the *amount of this conversion, whether great or small, is a matter of indifference to the operation of the Sinking Fund.* The conversion of debt into stock is intended to establish an union of the Bank and Sinking Fund, for the pur-

pose explained in the Plan, and to induce the present creditors to subscribe their promissory notes for bank-stock; the same pledge or security is given for payment of interest, in addition to all the advantage which the said creditors, as stock-holders, will derive from the net profits of the Bank. If therefore 8½ million of stock be not subscribed for at first, the only difference therefore occasioned is, that a proportionally smaller sum of revenue than 1 million per annum will be settled on the Bank. Some stock will certainly be purchased, and Government, with the aid of the Bank and stock-holders, will then be enabled to establish the proposed Sinking Fund of 4 million, or of some other lesser amount (as fully shown in Paper D,) free of extra charge on the revenues; which fund will equally operate in the reduction of debt (as may be seen on reference to either of the figured Statements) whether it be promissory notes or bank-stock that it is required to annihilate. The millions mentioned in the Plan may at first sound high, but an attentive consideration of the principles of the Plan, with the *modifications* of *which* it is *evidently* capable, viewing the millions only as specific data on which to found easy calculation, will I think convince that it is in reality neither gigantic, or at all formidable or difficult of execution.

21. Fourthly.—The establishment of the Bank has been objected to on the grounds of its being a Government Bank, and therefore deemed unconstitutional, and an engine too dangerous in the hands of any form of government, &c. The propositions in respect to exchange are also objected to on the same principles, and the impolicy urged of allowing any Government to interfere therein.

22. *A real Government Bank* is doubtless impolitic, and may often prove a very dangerous engine. The arguments on this head are incontrovertible. But can a Bank, consisting of one Government Director, with one vote, and an indefinite number of other Directors, say eight, ten, or twelve, with as many votes, be properly termed a Government Bank; or be considered liable to the objections which are justly urged against a Bank directly conducted or controuled by an arbitrary government? The business of Government in the Bank here proposed, is chiefly co-operation, with a small, but perhaps salutary degree of check over private speculations of injurious tendency to the public. If the Bank of England is proved, from transgression in this respect, to be in need of salutary check, how much more requisite must it be in a general Bank in India, where at the Presidencies, the great commercial agents, and who must be the chief Directors of the Bank, might otherwise be left at liberty to pursue their own particular interests, without any regard to those of the public? Reasons, however, are given at some length in the Plan, to show the necessity of a check on both sides; and if the checks proposed against undue influence on the one hand, or imprudent speculation on the other, are inadequate, experience must furnish better ones. In the meantime I cannot yet discover that this Bank is any other than a *General Bank, encouraged and fostered by the protecting hand of Government.* It certainly was intended to be precisely this; and to obviate the evils incident to a Government Bank, properly so called; while much mutual advantage, it is hoped, may be derived, and inconvenience obviated, by this union of the mercantile body with Government in a firm bond of mutual interest.

23. The supposed interference of Government with respect to exchange, will, I should hope, on due consideration, appear to be another misconception of the Plan. It certainly gives Government no power of interference; Government contributes a co-operative aid through the medium of its several treasuries; the whole business of exchange, including rates, &c. is left to the Bank Directors, in other words, to the great body of merchants in every part of British India, to be regulated, in fact, by the free course of trade. In any question that may arise on the subject, Government can have only one vote against perhaps a dozen.

24. Fifthly.—The conversion of any portion of the Indian debt into Government bank stock, has been received as a dangerous experiment seriously to be deprecated. Whilst the principles of the Plan are admitted to be generally correct, the proposals which it contains in this respect have been considered as pregnant with all the evils, and liable to the same failure as occurred in the similar attempts of the South Sea and Mississippi Schemes in the famous year 1720. Objection.

25. The Plan being admitted to be generally correct in its principles, will surely bear no comparison with the South Sea and Mississippi bubbles, whose very name proves them to have been founded on no correct principles at all.—The failure of those schemes does not appear to me to be in the least attributable to the *conversion of public debt into the joint stock of those Companies,* but to the delusions practised on an infatuated public: neither one or the other was ever possessed of funds equal to the realization of those profits and promises which they held forth to the world; the value of their stock was therefore artificially enhanced; and when delusion could be kept up no longer, the bubble, as it has been commonly termed, burst.—Indeed the South Sea Company continued to flourish for some time, *under an incorporation,* or conversion, of about nine, and afterwards eleven *millions of the public debt into their joint stock.* The fraudulent stock-jobbing speculations which followed upon the Statute 6 George I. seem to have been the *sole cause* of their downfall. Answer.

26. The Mississippi Scheme, it is true, had in view the payment of the public debts of France: so far comparison may be admitted with the present Plan; but it is by no means equally evident that the conversion of public debt into the stock of Mr. Law's Royal Bank or Company, occasioned its failure. After a series of the most violent shocks to public credit, even from the year 1713, after various arbitrary changes decreed by the Duke of Orleans,

as

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as well in the metal as the paper money of the kingdom; and after several artificial if not fraudulent enhancements of the Company's stock, the scene drew to a close with two of the most extraordinary acts that ever betrayed the ignorance of Government in respect to the principles of money :—first, the issue of bank-notes to the amount of more than double that of the coin estimated to be necessary for the currency of the kingdom; and, secondly, the famous, or rather infamous arrêt of the 21st May 1720, whereby the notes in circulation were at one blow reduced to one half of their former value. It was not till after these fatal measures, that the public became alarmed, or their confidence in the scheme impaired; and when to these are added a want of funds to fulfil promised dividends on all these actions or shares outstanding, we need look to no other cause for a complete overthrow of the whole concern.

27. In the present Plan, however, there is nothing that I can see that admits of comparison with the acts in the Mississippi Scheme, of an arbitrary and perhaps ignorant Government operating on an infatuated public. There is here no attempt at delusion, the whole Plan might, and perhaps ought to be published: its funds are fully adequate to every anticipated result; not a share that will not certainly yield its expected profit; not a bank note issued beyond what the circulation may as certainly require. Government of itself can do nothing, and therefore nothing is to be dreaded either from the influence or capricious exercise of arbitrary power. Under such circumstances, I confess I neither see the danger or inconvenience of giving, to a certain portion of the debt, a *mere change of name.*

Objection.

28. Sixthly.—There have been some other objections advanced: such as, in case of war, that the notes would be thrown back on the Bank when money bore a premium; the impossibility of issuing others without a loss equal to this premium; the danger of inconvenient runs on the Bank, when relief must be sought at a great distance; and the limited power of extending the issue of notes, &c. But as all these would seem to be sufficiently refuted by the course and successful progress of banks in other parts of India, under the circumstances apprehended, it may not be necessary for me to trouble the Honourable Court with any particular remarks thereon.

Answer.

29. Seventhly.—Finally, it has been urged, that the "merchants here (Bombay) are themselves bankers;" and that "this plan would necessarily transfer much of that part "of their gains to the Bank; that the Bank can in no way hold out an inducement sufficient to prevail on the merchants to give up their present command of the money trade "to take merely a share of that of the Bank; that it would be like admitting the holders "of bank-stock into a copartnery with them in a gainful part of their business."

30. In the Plan itself there are details of some length, to show the advantages which the mercantile body may derive from a successful co-operation therein, and the benefits and facilities which trade in general would experience. Perhaps advantages are no where, or seldom, attainable without corresponding sacrifices; but if the compromise here shall not be found sufficiently favourable to the merchants, there is still no reason why the objection may not be obviated by an arrangement which should limit the amount of bank-stock to the actual shares of the Directors, the merchants themselves would be these Directors, and they would then have no copartnery in a gainful part of their business; the gain, for example, might be *all* their own, under some of the modifications of which Paper (D.) and the voucher No. 1. to this Minute, show the Plan to be capable; whilst a Sinking Fund, under this connection, would still be established, which is all that Government want, free of extra charge on the revenues.

Vide second supposition, Paper D.

31. But after all, however desirable the aid and co-operation of the merchants in the execution of the scheme in question, still if they should think proper to withhold it even *in toto*, or *pro tempore*, it is evidently in the power of Government to establish the proposed Bank and Sinking Fund independent of their aid, and to conduct the same by officers of their own, if just and established principles be scrupulously adhered to, until the object in view, viz. the reduction of debt, be accomplished to the full extent that may be desired.

(Signed *R. Rickards.*

Bombay, 17 July 1808.

No. 1.

Extract of a LETTER, &c. with Remarks annexed, on Mr. R.'s Plan for reducing the Indian Debt; and Answer thereto, dated 16 October 1807.

When I had the pleasure of seeing you at Dr. Scott's, I took the liberty of stating one or two remarks, which the intricacy of the subject, added to that habitual difficulty which I feel in communicating my ideas in conversation, prevented me, I fear, from explaining so as to be intelligible; I have therefore used the freedom of repeating them in the inclosed memorandum X, in as few words as possible.

I must again repeat, that none of the objections which I have heard started, tend in any degree against the foundation of the Plan: some of them suppose a certain change in the channel of the money trade, but most of them are only difficulties, such as every similar institution

institution is liable to, and which require only an increase of vigilance to foresee and prevent. There seems no good reason why, in a country so rich and trading as India, a bank should not prosper as much as in other countries. The novelty of the plan would occasion difficulties, which it is not ascribing too much to the talents of the original projector, and the sagacity of the Bank Directors, to suppose they could overcome: judicious management is of course supposed in every such plan; and the objections seem to me to be chiefly considerations for the Bank Directors. The local experience of the merchants, would furnish invaluable assistance, and the limited extent of the first issues and operations, would try the ground, and prove the best experiment how far the Plan could be gradually extended, and what quantity of active stock might be required for its transactions. If the Plan C were adopted, of beginning business merely as a bank, in which the Company was a sharer, under the agreement that after a limited time the issues of notes should be on the joint account of the Bank and of the Government, under such considerations and in such proportions as might easily be fixed, Government gains not only the agreed proportion of the notes kept in circulation, but the further proportion corresponding to its share in the Bank. The interest of Government and of the stock-holders and directors is thus also united. Let the share allowed to Government be one half, as it has also a third of the remainder, the gain of Government would be nearly two-thirds of the whole issue. If Government were allowed five eighths, their third giving another eighth, their whole advantage would be three fourths of the issue, and a large sum of profit would still go to the bank-sharers from the remaining fourth. The Paper D shows indisputably that these and numerous other modifications might be made, preserving the beneficial effects of the original Plan.

Perhaps the additional fund proposed in (C) might be delayed; and some conjectural sum from the issues, rising progressively, substituted in its place.

By giving Government a proportion of the issues, the Bank might be made to serve Government exactly in proportion to its own success, and the increasing trade and prosperity of the country.

I owe you many apologies for having detained the Papers so long, and still more for the freedom with which I have written on a subject, of the principles of which I confess that I have only some glimpses, and which can be best decided only by those persons, of great local knowledge and extensive commercial transactions, who have been made acquainted with the plan, and to whom the difficulties and advantages of the schemes must be strongly visible. I confess I see no difficulties that are insurmountable; and I cannot help congratulating Government and the Country on possessing a practical politician, who, by so simple a plan, promises to relieve Government of so great a part of its burdens, by means which, far from being injurious to industry or trade, seem to offer new facilities to increasing the wealth, prosperity, and happiness of India.

MEMORANDUM X.

1. The mode in which the Bank is to begin its operations, is not perhaps sufficiently apparent. No fund, by means of which the operations are to be commenced, is pointed out by the Plan. The capital is in the hands of Government, and has been used to pay off Government debts: in this state it affords sufficient security to the creditors of the Bank, but it is not a disposable fund for active transactions, as no part of the interest becomes payable till six months after the period of the purchase of bank-stock; the Bank has no funds till then: at that time indeed half a million is payable by Government, and a fund to that extent for Bank operations exists; but then it must be understood that the purchasers of bank-stock do not receive their first half year's interest. The first instalment must be applied to form the *active fund* of the Bank: this is the first fund they possess *naturally* for carrying on their business; the large sum of stock in Government's hands can be applied only as a *passive fund* to gain credit to the Bank in its loans and issue of papers. It is an excellent security to the creditors, but can be used by the Bank only as an instrument of credit, not as stock engaged in trade. If what has been here denominated the active fund of the Bank, is to consist of half a million, the stock-holders must do without half a year's interest: if it is to consist of one million, they must give up a whole year's

ANSWER to REMARKS.

1. The difficulty of a connected explanation in private conversation, on so abstruse a subject, renders it at the best always liable to some obscurity. In Plan A, I have stated that I purposely declined entering into a detail of the business of the Bank, which will of course be ultimately regulated and arranged by the Directors. This constitutes a material part of that detail; and the quantum of deposit in specie required for the active operations of the Bank, must necessarily depend on the plan determined to be adopted, or the amount of capital issues in bank-notes. The Bank must of course, like all other banks, be at the expense of its own deposit of specie. What I meant to explain was, that this expense will admit, on the plans here suggested, of considerable diminution, in view to the payments required to be made by Government into the Bank for *the use of the Sinking Fund*, viz. the payments in the first year, for example, on this account, being 1,320,000 *l.* might be made in monthly instalments of 110,000 *l.* which will increase in arithmetical progression, say till the sixth month, or any other specified time, when the aggregate sum may be required to be applied to the uses of the said Sinking Fund. But in the seventh, or following month, another 110,000 *l.* is paid in, and will similarly increase monthly; so that in this way a very large sum of specie will be continually in deposit in the Bank,

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MEMORANDUM X.

interest, and so on in proportion. The suggestion that this fund might from the first be gradually supplied by the regular coming in of the Company's revenues, offers a partial corrective; but as this proceeds on the idea not only of a full treasury, but of an accommodation from the treasury to the Bank, not specifically pointed out in the Plan, and really forming a temporary loan without interest, from Government to the Bank, it is doubtful how far it would be prudent to rely on it. It is not what the Bank can demand. Besides, it only operates during the six months: at the end of that time the interest is due, and the money must either return to pay the stock-holders, or be by them permitted to remain employed by the Bank. The accommodation on the part of Government therefore ceases, and the burden of supporting the Bank's operations devolves on the stock-holders. It therefore seems necessary, either that the Bank should begin its operations on credit, and by borrowed money, or that the fund should be raised gradually by detaining the half-yearly interest of the stock-holders.

2. It is of much more importance to keep in mind, that in no instance can the holders of notes, or the merchants, gain by the issue of notes. The notes may be of very great convenience to the merchants and the public, but never can turn to the profit of any but the Government or Bank. By all others they must be purchased, and stand only in the place of specie.

3. It may reasonably be doubted whether any inducement could be held out to the Bank to take a deep interest in the notes, except either an agreement that a certain proportion should be issued for the Bank, when a certain proportion was issued for the Government, that the Government and Bank should divide the total issues in certain shares, or an agreement that the Bank, on making Government a certain loan without interest, should have the sole benefit of the issues of notes. In the former way their interest wolud be mutual, and neither party would have any inducement to urge an inordinate issue, particularly if the expense of supporting the sum of cash for keeping up the circulation, were also divided in certain proportions: thus too the gain of Government would increase as the advancing prosperity of the country enabled the issues of paper to be extended. In the latter way, the total issues, after passing the loan to Government, would accrue to the benefit of the Bank alone. It is to be observed that the supplies of foreign specie would come only as they do at present; any importation from England, for example, must be purchased by value given by the Bank, as much as by any individual. That in Bombay the trade runs very much in seasons, and hence the issues of notes would need to be considerably limited in the busy months, to prevent inconvenient returns afterwards.

ANSWER to REMARKS.

intended for the use of the Sinking Fund at *certain fixed periods:* which deposit, I conceive, the Bank may intermediately use, provided proper care be always taken to complete the amount at the particular times when the Sinking Fund demands it, and which will therefore tend to lessen the expense which other banks are subject to on account of a deposit necessary to the support of their active operations.

This, it may be objected, is an important aid contributed by Government to the Bank, free of interest:—True. But the Government have their advantage also, for on either plan they have a Sinking Fund established, with the aid of the Bank, free of extra charge on the revenues; and on Proposal C in particular, or any modification thereof, let it be remembered, that every diminution of the Bank expenses will be a corresponding addition to the profits in which Government have a prescribed share. The possibility of reducing the debt in so short a period as from seven to nine years, is moreover a matter of such high importance, as to be worthy some sacrifice at least to effect it.

2 & 3. It will perhaps be thought some recommendation in favour of the Plan, to find that its original principles are capable of such various modifications; some of which it is at least hoped may be found perfectly unobjectionable. The very ingenious remarks contained in these paragraphs, are in fact modifications of A & B, which infer a loan from the Bank to Government free of interest; in consideration of which, the Bank should enjoy a corresponding proportion, or all the advantages arising from its private business. Both these suggestions, however, and the simple modes of proceeding, are therefore perhaps preferable. The original Plan indeed proposes a loan in bank-notes, which will therefore cost the lenders nothing, while the opposite modification implies, I presume, a loan in specie. But if the former be deemed too complicated, or not ultimately feasible, and the latter therefore preferred, should any difficulty arise from requiring so large a sum in specie as 2 million in loan from the merchants, even this is capable of still further modification, as follows:—On 2 million of debt being advertised to be paid off, let the merchants lend as much thereof as shall not be taken by the creditors in bills on the Court of Directors; suppose then the merchants, *i. e.* proprietors of stock, lend in this way £. 1,200,000, and £. 800,000 be paid by bills, let 12-20 be the share of the said proprietors in the Bank profits, and 8-20 the share of Government, which latter share will go to counterbalance the expense to be incurred by the Court of Directors in raising the £. 800,000 in England.

(Signed) *R. Rickards.*

(True Copies.) *J. Warden,*
Chief Secretary to Government.

No. 6.

COPY of PARAGRAPHS 31 a' 38 inclusive, of a Revenue Letter from the Governor in Council at *Bombay*, to the Court of Directors of the East India Company; dated 20th February 1808.

EXTRACT REVENUE LETTER from BOMBAY; dated 20th February 1808.

Para. 31.

No. 6.

Revenue of Broach and Surat.

AFTER this detail respecting the Pergunnah of Broach, and our proceedings on its revenue concerns, it is not a little pleasing to us to be able to close it with requesting your honourable Court's attention to the further Report from the same Commissioners, under date the 24th of January, exhibiting the progress made in its fiscal and other concerns; the result of which, in as far as respects the former head, is as follows:

		Rupees.
1803-4	Collections	10,54,539.
1804-5	D°	11,30,647.
1805-6	D°	11,26,997.
1806-7	D°	12,24,583.

whilst the amount of those realized during the twenty years of Scindia's tenure, averages no more than 8,35,105 rupees.

32. Nor have we less satisfaction in requesting your honourable Court's perusal, and attention to the Report under date the 26th of January, from the similar temporary Commission at Surat, showing that the cultivation, and, consequently, the revenues, have been rapidly increasing since our acquisitions from the cessions by the Paishwa and Guicawar in the Attaveery, (or country between Demaun and the Nerbuddah,) the receipts from which having risen, in the space of four years, from the annual amount of 6,24,463 rupees to 7,28,122 rupees, yielding thus, in four years, an increased yearly return of 1,03,659 rupees.

33. The Report from the collector of the very extensive territory dependent on the zilla or division of Kaira, under date the 20th of January, recorded in the same day's proceedings, as above cited, will, we flatter ourselves, prove, in view to the particular circumstances of that cession, no less pleasing to your honourable Court than the consideration of the two preceding narratives, as to the prosperous condition of the Broach Pergunnah, and of our districts in the Attaveery.

34. In submitting these briefs notices of the revenue administration hitherto in progress throughout the three grand divisions of country intrusted to the charge of the Government of this Presidency, it will thence appear, that in all and each of them, very material ameliorations have taken place, not only in the considerable increase of the annual receipts, but in the Regulations for the country, particularly under the division of Broach, in which a system of regularity, order, and quiet, has been uniformly advancing at the same time with the augmention of the funds for the revenue; which last has been above shown to have increased, by nearly two lacks per annum, notwithstanding our having intermediately given up such parts of the former funds for it, under the late Government of Scindia, as were believed to have an oppressive tendency.

35. The same general observations will be found applicable, in a considerable degree, to the division of Surat, in which the cultivation will appear to have been considerably extended, and the revenue in particular to have increased in a still greater proportion than within the collectorship of Broach.

36. It will, on this occasion, be pleasing to communicate to the honourable Court, that relief has been afforded to the inhabitants of the city of Surat, by the abolition of a variety of the Moghul taxes, to which they were subject during the Nabob's Government; and it is our intention to prosecute this object as far as future enquiries or experience may indicate, more especially in the department of the customs, which are thought to fall too heavy on the inhabitants there, in proportion to those at the Presidency.

37. In as far as respects the extensive collectorship at Kairah, it may, in conclusion, be observed, that although the increased realization in the public funds, has, in that quarter, been less in proportion, the most orderly and highly regular manner in which the settled revenue have been collected, redounds, in view to the peculiar description of a great part

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of its inhabitants, so much to the credit of the collector's management, that we discharge only a duty in again distinguishing Mr. Diggle as one of the most promising and meritorious of the civil servants in this line of employ.

38. The success which is thus shown, on grounds the most obvious, to have attended the administration of our lately acquired Northern territories, will constitute, it is hoped, the best apology for our deferring till another opportunity to submit at greater length the ultimate and more fixed rules, which we may have to recommend for their permanent management. There may not (generally speaking) be many we could propose better adapted (as the result has shown) to their general prosperity hitherto, than those they have been for the few past years subject to; and as far as our impressions yet extend on a subject of such great delicacy, we feel inclined to coincide in the principles already indicated by the Legislature; viz. that the established customs of the natives should be generally adhered to, affected only by such well-weighed improvements as have for object the guarding, (by the means, for instance, that are above mentioned to be intended by the written or printed deeds to be granted to the patells of Broach) more effectually their own established systems, from such vicissitudes and abuses as experience has shown them to be liable to; in short, to endeavour to ameliorate their condition, without subverting the foundation of their hereditary rights; the preservation of which, as interwoven into all their manners and impressions, must tend, it is conceived, most efficaciously, to their permanent happiness.

No. 7.

COPY of PARAGRAPHS 49 a' 54 inclusive, of a Revenue Letter from the Governor in Council at *Bombay*, to the Court of Directors; dated 14th April 1810.

EXTRACT of REVENUE LETTER from BOMBAY; dated 14th April 1810.

Para. 48.

AT Broach, the revenue in arrear on the 30th April 1808, stood at Rs. 1,88,903. 1. 36. which, we have the satisfaction to add, was entirely cleared by the same date on the following year, Rs. 176. 1. having been alone remitted; nor are there any arrears on account of former years under this collectorship.

49. The jumma for the several districts included in the collectorship of Broach for 1808-9, amounted to Rs. 14,31,076. 2. 86.; the collections within the year aggregated Rs. 14,21,846. 0. 37. leaving a balance, on 30th April 1809, of Rs. 9,230. 2. 49. which there was little doubt of realizing; and the cause of which arises from the revenue not falling due within the period embraced by the year of account, as already explained in a preceding part of this Address.

50. The disbursements of this collectorship in 1808-9, on account of native establishments, amounted to Rs. 21,522, being only 1.503 dec^{ls} per cent. on the jumma; the allowances to covenanted servants amounted to Rs. 23,199. 3. 96. being 1.621 dec^{ls} on the jumma; whilst the total of the charges bear only 3.125 dec^{ls} on the receipts. The customs yield Rs. 1,18,410. 2. 65. and the native establishments amount to Rs. 5,388, being 4.550 dec^{ls} per cent. on the receipts.

51. The total receipts therefore from the revenues and customs aggregate Rs. 15,49,486, and the total charges Rs. 50,109, being 3.234 dec^{ls} per cent. on the former; and, by throwing the charges of the judicial establishments (being Rs. 1,70,876. 1. 43.) which include the Court of Circuit and Appeal for the whole northern division, into the computation, the disbursements on account of the revenue, customs, and judicial establishments (amounting to Rs. 2,20,985), bear at the rate of 14.262 dec^{ls} per cent. on the receipts from this possession.

52. On the settlement of the revenues of this district for the year 1808-9, we had the satisfaction to find that the land-revenue of Broach still continues to encrease, being, for that year, Rs. 9,76,818. 3. which is Rs. 19,495 more than the preceding one.

53. The land revenue of the Pergunnah of Broach Proper (which constitutes singly the principal source of the above large rental) was never, under any former Government, for

two

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two years together so high (according to our best information) as the first settlement made by the Revenue Commission in March 1805; and its permanency and increase are principally to be attributed to the investigations, which brought to light and abolished the various mal-practices of native revenue officers, and the many ruinous and oppressive systems introduced by Mahratta farmers, at the same time that they ascertained the true and old established system of assessment which has since constituted the rule of guidance; the land revenue of that single Pergunnah of Broach Proper alone, is now Rs. 1,59,433. 2. 50. more than it was when the Revenue Commission was first appointed in January 1805; whilst, as described in the Commissioner's Report of 31st May 1807, the increase of income to the cultivators is to the full as much as that in the Government share or revenue; the surplus not resulting from any enhancement of the rate, but from that rate being levied on a more extended cultivation.

54. The general improvement in the state of the inhabitants of this district, is further very observable in the number of substantial houses to be seen in the villages, where huts of mud and straw stood about four years ago, as reported in the letter from the late Revenue Commission, dated the 26th February 1809.

No. 8.

COPY of PARAGRAPHS 113 a' 142 inclusive, of a Revenue Letter from the Court of Directors to the Governor in Council at *Bombay*; dated 10th January 1810.

EXTRACT REVENUE LETTER to BOMBAY; dated 10th January 1810.

Para. 113.

THE third, and not the least important subject to which your enquiries have been directed, is the mode of realizing the revenue. The information on this head, contained in the Report of Messrs. Prendergast and Steadman, of the 31st May 1807, and its accompaniments, is certainly more complete than any that had been previously acquired; but we cannot help thinking that by the aid of better arrangement, it might have been conveyed in a form more perspicuous and satisfactory.

114. The principle upon which the jumma or rental is annually settled in the Guzerat, seems to be an equal division of the produce of the tulput land in cultivation between Government and the farmer. Though it be competent for either party to insist upon this principle being literally acted upon in fixing the jummabundy, and upon half the produce being levied in kind, the rent, according to ordinary practice, is commuted into money. A general rate of assessment has been fixed throughout the greater part of the pergunnah, where there is but little difference in the soil at 4 rupees per bheega, for the better, and 3½ rupees for the inferior sort of land. But in the immediate vicinity of the Nerbuddah, the rent varies from two to twelve rupees per bheega, according to the different descriptions of soil and the crops, the share of Government being always calculated upon the estimated value of half the produce, whether the ground be a sandy hillock or a rich bottom, and the crop be rice or sugar-cane. This rate however, in uncommon seasons, or under particular circumstances, is either increased or reduced, as the collector or husbandman may show cause. When the crops are so far advanced as to admit of a fair estimate being made of their value, the melitas, tullaties, and patels transmit statements thereof to the collector's cutchery; Native Committees, consisting of a karkoon belonging to the collector, a dessoy and moozumdar and ameen patel are sent out in different directions, to check the statements given in by the village revenue officers; and when this investigation is completed, amended statements are made out and remitted to these officers, who, agreeably thereto, form jummas of their respective villages. This being accomplished throughout the district, separated sunuds or notes are prepared for each village, specifying the amount of their individual assessment. The patels assembled on a certain day, sign these sunuds in token of their acquiescence, and when they return home, the mehta apportions the precise amount of the rent payable by each patel, according to the size and quality of his particular bang or share in the bungdaree villages, and according to the number and productive powers of the bheegas which he cultivates in the bheegotee village. The charges of husbandry are borne by the cultivators; the expense of collecting the Revenue is defrayed by the Government, and the periods of collection are fixed at those seasons when the farmer is ablest to pay, or when he has realized the value of his crops, the amount of the instalments by which the contributions are levied, being always proportioned to the estimated funds of the contributor at the dates when they become due. In fine, as a security for the payment of the Government rent, the crops can neither be reaped, housed, threshed out,

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Jumma or Rental in Guzerat.

nor sold without the permission of the collector, or one of his authorized agents. Such is the general outline drawn in the Report of the Revenue Commissioners of Broach, of the system now in force in that pergunnah, and the principles which you conceive to have been acted upon by the Mogul Government, with little variation, throughout the whole of their territories in the western part of India.

115. That a system of this kind is liable to very grave objections, and that, both in principle and detail, it is in direct and uniform hostility with the doctrines of political economy, which in this part of the world have been considered not only as theoretically true but practically beneficial, does not admit of doubt: and though it might be perilous in every case to act conformably to these doctrines, without regard to local circumstances, which may occasionally prescribe a deviation from them; so, on the other hand, there is some danger lest long and constant familiarity with inveterate prejudices, should lead us to confound the rule with the exception, and to forget the difference between a necessary compromise, and a voluntary renunciation of the first maxims of political science.

116. The system now in force is liable to all the objections which are thought generally applicable to the payment of rend in kind; for though the Government revenue be collected in money, the sum contributed is supposed to be the precise value of half the produce; and the only difference between the present mode, and that of paying in kind, is, that in the latter case the husbandman would deliver the half of his crop at the collector's cutchery, whereas now he carries the whole to market, and on his return pays in one half the sum he has received for it. In one respect, indeed, the present system is more troublesome to the Government, and more vexatious to the farmer, than the other; for were the produce collected in kind, it would be necessary for the collector to continue his superintendence of the crops after they were removed from the field, and the cultivator having delivered the moiety due to the sirkar, might house, thresh out, and dispose of his own share at what times and in what proportions he might find convenient, without being subjected to the galling restrictions now imposed upon him.

117. It can hardly be necessary to point out the evils inseparable from a revenue system of this nature. It is troublesome and expensive in itself: it loads the productive class of society with the support of a numerous train of unproductive pensioners: it unquestionably tends to discourage improvement, by diminishing the motives to industry: it fetters and embarrasses the cultivator, by the imposition of restraints always irksome, often prejudicial; in fine, it offers a strong temptation to fraud and depredation on the part of the ryot, while the trouble attending it must frequently occasion neglect or collusion on the part of the collector.

118. A tax levied, generally amounting to the estimated value of half for the produce, must operate very unequally, if great care be not taken to distribute in equal portions the good and the bad land among the individual contributors: a precaution which may not be always practicable. It is evident that a certain portion of the produce of land is, in different situations, equivalent to a very different portion of the rent. In rich lands the cultivator may afford to give half the produce, and at the same time have a very handsome profit; whereas in poor lands the produce may be so small, and the expense of cultivation so great, that were he to pay one quarter of the produce in the shape either of rent or tax, he would not only have nothing over, but would be without the means of subsisting himself and family.

119. The practice of letting the lands from year to year, cannot fail to stifle every thing like enterprize on the part of the farmer. Though the claims of the patel as an hereditary cultivator, may give him security against being dispossessed of his farm, he must, as things are now managed, be contented to share half the advantage of his improvements with Government, the same years even in which they are made, so that his most laborious exertions serve only to add to the weight of his assessments.

120. But notwithstanding the strong objections to which the existing revenue system is liable, even after the many ameliorations and improvements it has undergone in the course of your administration, (which we shall notice by-and-by,) we entirely concur in the opinion that you entertain of the delicacy, impolicy, and danger of introducing any great and sudden innovations among a people with whom antiquity of usage is regarded as paramount to every other sanction, and who are always averse to change, even when it is likely to redound to their advantage.

121. Judging, however, from the materials of which we are already in possession, it seems by no means impossible to ingraft upon the existing institutions a system somewhat analogous to that which has been established in the greater part of our other territories; and the hints thrown out, rather incidentally indeed, in the 21st paragraph of the letter we are now answering, show that the expediency of granting lands to the patels upon zemindary tenures, by which, instead of dividing the produce, they shall pay to Government a fixed and invariable rental, has entered into your contemplation.

122. You at the same time express a doubt whether the patels would be generally willing to become parties to a permanent arrangement of this sort: this, we conceive, will depend altogether upon the terms which may be proposed to them. No man would think it worth while to become a proprietor of land upon terms which would place him in a worse condition than when he was only a cultivator. A patel, with his naturally strong aversion

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to change, will, it is presumed, if the matter be left entirely to his own option, require to have opened to him a prospect of greater benefit than would be necessary to decide the choice of a person of more versatile character. The terms, therefore, held out must be such as will present a considerable temptation to their acceptance; the moment that property becomes saleable, that temptation exists. If there were a warm competition among the bidders, it might be inferred that the temptation was too strong; and if there was no demand for it, even at the lowest price, in a market where there can be no glut, seeing that nothing of the kind ever appeared there before, it might be concluded that it is not worth having. The last conclusion, it may perhaps be alleged, would only be just, in circumstances where every man acts under an enlightened sense of his own interests, which can never be the case, where obstinate and perverse prejudices are prevalent. It should, however, be recollected, that the empire of prejudice, when it is opposed both by reason and immediate interest, is seldom so universally despotic that some minds will not be found vigorous and bold enough to burst its fetters when a fair opportunity occurs; and after a spirit of revolt manifests itself, the influence of example will gradually achieve the overthrow of its power.

123. There is also a wide distinction between indolent and active prejudices. The former there is seldom any danger in slighting, because they are not irritable in their nature; nay, all that is wanting often to their dispersion, is the spirit to encounter them. The latter indeed ought uniformly to be treated with forbearance, and frequently with respect: but the prejudices to which we now allude, can hardly be ranked among this class.

124. From these observations, it follows that the establishment of a zemindary system is not likely to meet with any insuperable obstacles, provided its effect be to improve the condition of the patel: its tendency to this object, must depend upon the terms of the settlement; and these terms may be considered sufficiently advantageous, if they render the land conveyed to him saleable, which will never be the case till, besides paying the expenses of cultivation, it yields a certain profit to the landlord.

125. It will therefore be matter for your enquiry and consideration, whether land in the Ceded Provinces would be saleable, paying the present rental, estimated at the value of half the produce, or if any and what abatement would be necessary to render land transferrable with a premium to the vender. At the same time that you communicate to us the result of your investigations and reflections upon this question, you will also state what other suggestions may occur to you respecting the formation of a permanent proprietary settlement that may be liable to the fewest present or future inconveniences, and which, while it provides for the comfort, prosperity, and security of all classes of the people committed to our charge, may not considerably, if at all, impair the actual income of the State, or preclude Government from afterwards deriving an increased revenue from an eventual augmentation of resources.

126. Before any steps can be taken towards the execution of an arrangement of this sort, it will be necessary that the projected survey of Broach shall be completed; and should the experiments, when made, be succesful in this province, it may afterwards be tried in the other districts. It will be be proper also that you shall previously acquire much more accurate information than you now possess, respecting the manner in which the patels collect the rents and revenue from the ryots, and the exact relations in which these two classes stand to each other.

127. It can hardly be necessary to remind you, that it is neither our wish nor intention, in the formation of a system for the future administration of any part of our territories, to favour one class of our subjects at the expense of another, much less to give rights to the more opulent which they may exercise to the oppression of the lower orders. It must always be the policy, as well as the duty of an enlightened Government, in some measure to compensate, by the equality of its protection, for the unequal distributions of fortune.

128. Of your intention, after a survey of the Broach district has been made, to grant written or printed deeds to the patels, particularly describing the portions of land which they occupy, with the view of guarding their possessions against those encroachments and usurpations which they have experienced in time past, we highly approve; but we are not disposed to think that enough shall have been done till we have furnished them with new motives to industry, as well as with additional securities for what they already possess. Let the process of improvement be conducted with judgment, caution, and after mature deliberation, and the impediments by which it is at first retarded will gradually become less embarrassing.

129. Much has been effected since the cession of Broach to the Company, in the way of purging the ancient Mogul system from the abuses which had crept into it under the Marhatta administration; the great, the intolerable evil of which was, not the excess of its imposts, but the mode of levying them.

130. The Manotee system, by which the Government, in consideration of advanced payments on the credit of the revenue, delivered over the persons and properties of its subjects to a band of merciless usurers, by whom they were tortured, plundered, and oppressed, it was one of the first steps of your administration to suppress.

131. The Sookree Chandla, that discreditable resource, consisting in a sale of licenses by Government to one class of its subjects, to make arbitrary exactions from another, was properly abolished, as a scandal to the British name.

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132. Instead of tannadars and jemadars stationed throughout the country under the pretence of maintaining the police, but really for the purpose of extortion, a Court of Adawlut has been instituted, for the trial of offences according to the rules of law.

133. The Dungur Tojee, or assessments upon the first crops, proportioned to the wants of the treasury but not to the funds of the cultivator, and by the excess of which the patels were driven to the most ruinous modes of raising money, has given place to a system under which the demands of Government exactly correspond with the means of the contributors.

134. The claims of the Dessoys and Moozundars have been put into a train of adjustment, the result of which, we trust, will be the relief of the laborious part of the community from a number of arbitrary fees and exactions by which they were vexed and impoverished; and an economical reform has been introduced into several branches of the village establishments, equally beneficial to Government and the ryot.

135. In fine, Tuccavy, or the money advanced by Government to the farmer, to facilitate agricultural improvements, is lent at common interest, instead as before at the most exorbitant rate of usury.

136. The facility with which these changes, so creditable to your administration, have been effected, show the practicability of further amelioration, while at the same time their importance to a certain degree diminishes its urgency; we would not therefore have you, on the one hand, to imagine that you had reached the utmost limits of improvement, nor, on the other hand, to run the risk of failure by venturing too far, or proceeding without due precaution.

137. We entirely agree with you in opinion, that the suggestions for increasing the revenues of Broach, brought forward by Dessoo Patel, are altogether unavailable for the purposes for which they were intended, if indeed they had any other object than that of recommending himself to the Government by an apparent assiduity to promote its interests, and thus to retrieve the disgrace he had incurred by his former conduct.

138. Upon the whole, we have had much satisfaction in tracing the progress of your administration in the Pergunnah of Broach. It seems by far the most valuable of the districts ceded to the Company in the Guzerat; and its augmented and growing prosperity is the best proof which could be adduced of the wisdom which has presided over its management, and of the zeal and ability of those who have carried into effect the plans devised by the Government.

Letter from, dated 26 February 1808, (32 to 37) relative to the Revenues of Surat and the territories dependent on the Zillah of Kaira.

139. We have great pleasure also in remarking, that the improvements have not been confined to Broach, but that they have been extended to our territories situated both to the southward and northward of that dependency.

140. Owing to the bad health of Mr. Morrison, the collector of Surat, we are not in possession of such minute information respecting his collectorship, as concerning the two others; but from the last Report made in his stead by Mr. Crow, the judge and magistrate, there is reason to believe that agriculture is making rapid progress in the countries situated in the Attawery. Of this indeed there is positive proof, in the very great increase of the revenue, conjoined with the growing prosperity of the people, territories having produced 2,11,830 rupees more than the sum for which they were ceded by the Peishwa and Guicawar, and 1,03,600 rupees more than they yielded in the first year of your management.

141. Though the increase of revenue in the division of Kaira, since it was placed under Mr. Diggle's care, does not amount to more than rupees 36,164, the actual state of that part of the country, compared with what it was when it devolved to the Company, does not furnish less matter for congratulation than the improvements which have taken place in our other possessions in the Guzerat; and we embrace this opportunity of acknowledging, with warm approbation, the judgment and zeal manifested by the collector in the discharge of the very difficult duties of his office. Though the quantity of waste land within the bounds of that collectorship be inconsiderable, the ferocious manners of the inhabitants seemed to oppose a far more impenetrable barrier to civilization than the most desolate appearances which the surface of the earth can present. We are happy therefore to find that the people in that quarter already begin to show a sensibility to the comforts resulting from order and obedience to the laws; that the number of the hardened and refractory is diminishing apace, that justice is gaining an ascendant over violence, that the calls of Government are, with few exceptions, willingly answered; and that, by persevering in a line of conduct marked by an union of lenity and firmness, we need not despair of circumscribing within narrow limits, if not of wholly suppressing, the dominion of anarchy and barbarism.

142. The investigation which you caused to be instituted into the local duties paid by the inhabitants of the town of Surat, has led to the beneficial result of relieving them from a variety of impolitic and vexatious imposts, without any material sacrifice of revenue. It will be always agreeable to us to hear of, and encourage, similar inquiries.

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Copy of a LETTER from the Court of Directors, in the Political Department, to the Governor in Council of *Fort St. George*, dated the 29th September 1809.

OUR GOVERNOR IN COUNCIL AT FORT ST. GEORGE.

Paragraph 1.

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Letter from Court of Directors, 29 Sept. 1809; on Political State of the Travancore Territory.

WE have received your several Dispatches in the Secret Department, of the 24th October and 29th December 1808, the 27th January and 28th February 1809, describing the rise, progress and issue of certain discussions between you and the State of Travancore. These discussions, which related to arrears due to the Company under the treaty of 1805, and brought the provisions of that treaty generally under review, have terminated no less unhappily than surprisingly, in the employment of the force and resources of the Travancore territory, by the Rajah's minister, in deliberate hostile aggression and open offensive war against the troops and the power of the British Government.

2. Being by inclination, by interest and by duty, decidedly fixed in favour of a pacific system of Indian policy, we cannot see any renewal of war, or an interruption of the relations of peace and amity with any of the Indian states, even when such interruption becomes unavoidable in self-defence, without keen regret; and hostility with an ancient ally, whose interest and ours seemed to recommend a lasting union, must be still more painful to us.

3. We entered therefore with anxiety into an investigation of the causes which could have induced the Government of such a State as Travancore, whose power and resources were so utterly disproportioned to those of the Company, and whose territory was accessible to us on every side, to take up arms against our Government. And this has led us to a review, which we shall here introduce, of the different stages of our connection with that State.

4. Mutual interest first formed, and afterwards cemented, the connection between the two Governments. In the articles of pacification agreed on between our Government and Hyder Ally in 1769, the Rajah of Travancore was included as an ally of the Company. The same care was taken of his interests in the treaty of peace, made between the Company and Tippoo Sultaun in 1784; to these treaties the Travancore State owed its security for a series of years, from the very unequal power and inordinate ambition of those rulers of the Mysore country; and when at length Tippoo, disregarding the articles of the treaty made with him in 1784, attacked the territory of Travancore, in the year 1790, the Company entered into a war with that Prince in defence of their ally, whose safety was again secured by the peace made with Tippoo in 1792.

5. The treaty concluded between us and the Rajah of Travancore, in the year 1795, which stipulated that a British force should always be ready for his defence, against any war of aggression made upon him, had particular respect to the danger to which he still stood exposed from the more powerful neighbouring state of Mysore, which rendered the protection of the Company essential to him, and to that protection he owed the continuance of his independence.

6. Things remained in this state during the life time of the old Rajah, who was himself, as there was reason to believe, a prudent man, attached to the British connection, and was served by a Dewan of uncommon ability and worth. The Rajah died in the year 1798, and his death appears to have been followed by various circumstances unfavourable to the maintenance of the cordial friendship that had long subsisted between his State and the Company's Government. Most of these circumstances are stated in the early correspondence of the resident, Colonel Macaulay, with the Supreme Government; and as he had, from his situation, the best opportunities of knowing the internal state of Travancore; as his communications, professing to describe facts and events of the times at which he wrote, appear to have received entire credit from that Government, and to have been corroborated by subsequent occurrences, we see no reason for withholding our confidence from those communications.

7. The old Rajah was succeeded by his nephew, a young man whose character seems ever since to have been marked by imbecility, caprice, and other qualities which shew him to be wholly unequal to the task of government. The old and faithful Dewan of his uncle was

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supplanted by low and vicious persons, who soon gained an ascendency over the Rajah, and influenced the conduct of affairs. In 1799, an insurrection broke out in the districts. In 1800, a cabal, headed by a person named Sumpreddy, seized the reigns of government. Gross abuses prevailed in many of the public departments; the revenues were decreasing, whilst the bulk of the people were in the lowest state of depression; and another insurrection took place on account of oppression in some branches of the collections. The time of the Rajah is described to have been chiefly engrossed by his pleasures, and by superstitious ceremonies among the Brahmins, who, with their dependants, were reckoned to be equal in number to the working class. The late Dewan, so much respected by the people, was not suffered to live even in retirement. There is very strong reason to believe, that he was taken off by poison, and the British Resident thought it his duty publickly to accuse Sumpreddy of this foul murder; but after a short arrest, and an appearance of inquiry, in which more solicitude was shown to avoid than to effect discovery, he was restored to his liberty and influence at the Durbar. This man is stated to have charged the late Dewan with ruining the interests of Travancore by connection with Europeans, particularly the English; and from all the details contained in the ample correspondence carried on by the British Resident at that time, it is strongly to be inferred, that neither the Rajah nor those employed in the transaction of his affairs, regarded British connection with the ancient cordiality.

8. This change, it is probable, did not arise solely from the change of men, and the very different characters of those who succeeded to the administration of the Travancore Government. The fall of Tippoo in 1799, placed that State in circumstances entirely new. The formidable danger to which it had been long exposed, from a more powerful neighbour, headed by a restless chief, was now removed; Mysore came under the controul of the Company, who had been the best friend of Travancore, and from whom, as it probably feared no injustice, so it might seem no longer to need active support or protection. Such a material alteration in the external relations of the Travancore State, may reasonably be supposed to have influenced its policy in respect to the British Government, whose friendship would not hence appear an object of so much solicitude as it was before. In point of fact, the British Resident, Colonel Macaulay, who was appointed to that Durbar in 1800, soon thought that he perceived in it a coolness or diminution of regard towards the British connection.

9. The Governor General had instructed the Resident, on receiving his appointment, to prevail if possible, on the Rajah to agree to a new modification of the treaty with the Company:—of this modification, the principal conditions to be proposed were, that no Europeans should be permitted to reside in the territority of Travancore, without the consent of the British Government; that in lieu of the military aid which the Rajah was bound by the former treaty to furnish to the Company, when engaged in war, he should defray the expence of an additional battalion of Company's troops; that he should confide the defence of his territory to the Company, and receive their advice in the more important concerns of the civil administration.

10. With respect to this measure, the change in the relative circumstances of the two States might naturally suggest some alteration in the existing treaty. It is justly observed by the Governor General, in his instructions to the Resident, that the accessibility of Travancore, by a long line of sea coast, renders it a country through which the British possessions may become vulnerable to an European enemy; to which it may be added, that the strong military positions which the territory of Travancore affords, increases the importance of that consideration. The British Government therefore, after having saved Travancore from being overwhelmed by the Mahomedan State of Mysore, though in this acting also with a fair view to British interests, had a right to expect, not only that it would be willing to prevent, to the utmost of its power, the enemies of Britain from availing themselves of its ports and strong holds, but would permit the British Government to employ for that purpose the necessary force which Travancore could not itself furnish. Whether all the conditions proposed for a new treaty were requisite to the attainment of this object, may be considered hereafter; but it appears certain, that in the first negociations of the Resident with the Rajah and his Ministers, and for several years afterwards, until the occurrence of new events, they shewed a settled aversion to accede to any terms more favourable to our Government than were contained in the old treaty.

11. In 1801, the Rajah, after repeated representations from the Resident of the disordered state of the country, and the necessity of rescuing the management of affairs from those whom he had permitted to possess themselves of it, appointed a new Dewan, named Vallay Tomby. This person had been at the head of the insurrection of 1799; but being reputed a man of ability and firmness, the Resident, in the great want of persons of that description, approved of his appointment, and had reason to expect that he would be friendly to the connection with the British Government. His subsequent conduct however did not justify this expectation. The Resident, after some absence from his station, on returning to it in December 1801, found that all the relations of the old and respectable Dewan, who himself had suffered a violent death, had also been murdered; and that Sumpreddy, the former favourite, had been disgraced and imprisoned by means of the new Dewan, Vallay Tomby.

12. After the peace of Amiens became known in India, towards the end of 1802, the Resident found increased difficulty in negociating with the Travancore Durbar for the exclusion

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exclusion of Europeans from his territory. The Rajah had virtually given a qualified assent to a proposition of this nature in 1800, but never could be persuaded to reduce it to writing; and the return of peace seems to have led him to desire and expect some intercourses with the French and Dutch. Under this apprehension, the Resident, between the month of August 1802, and March 1803, repeatedly represented to the Supreme Government the necessity of measures to check the symptoms of disaffection in the minds of the Rajah's evil counsellors, and to prevent French influence, stating that he had reason to apprehend the Rajah was disposed to the French, and that a political negociation had been opened with him by a French agent who landed there. If attempts of this nature were made, the renewal of the war with France, by removing the subjects of that country from Travancore, probably put an end to them; and it led, in February 1804, to an agreement on the part of the Rajah, advised no doubt by his Dewan, to place a respectable force at the disposal of the British Government.

13. But so precarious was the possession of power in that State, that almost immediately after a strong conspiracy was formed against the Dewan, Vallay Tomby, in which the Rajah himself was supposed to be engaged. The Dewan was excluded from all confidence, his enemies openly triumphed, a near day was fixed on for his death, without any trial, and he fled to the British Resident, by whose firmness and remonstrances the Rajah was at length diverted from his purpose, the conspirators were thrown into prison, and the Dewan obtained not only his life, but the restoration of his power. The leading person in this conspiracy was a Gosseyn, one of an eminent religious order, and stated by the Resident to be in the French interest. The Resident's letter, written at this time, and in the two preceding years, describe in strong terms the degraded state, in point of character, both of the Government and of the principal people.

14. Before the end of that year, 1804, a formidable revolt took place among the Nair battalions in the service of the Rajah. Their original cause of dissatisfaction appears to have been a reduction in their allowances: these the Rajah restored, and a short calm succeeded, but the revolt burst forth again with increased violence; the ringleaders liberated the conspirators in the former plot, increased their numbers to 10,000 men, and, as was asserted by the Rajah himself, at length extended their views to the subversion of the British power and influence in Travancore, and the assassination both of the Dewan and the British Resident. Intelligence also was received by the Resident, before this dangerous revolt was entirely suppressed, of a projected expedition from the French islands against one of the ports of Travancore. It was only by the judicious active conduct of the Resident, and the resolution of the British officer commanding the Carnatic brigade in the service of the Rajah, joined to the firmness of the Dewan, who had again fled to the Resident for protection, that this rebellion was put down. The treaty of 1795 did not specifically stipulate the aid of the British power in suppressing internal commotions in Travancore; but this was agreeable to the spirit of it, and became highly expedient on such an occasion, and the march of three of our battalions to the confines of Travancore, confirmed the tranquillity which had been restored there.

15. The Rajah, who had shewn great alarm in this crisis, was highly gratified by the mission of British troops for his support, and then professed an entire devotion to British interests, and the Dewan pledged himself to adhere, to his latest breath, to that system of measures which should receive and merit the approbation of the Governor General. Thus, what had before been steadily resisted, both publicly and privately, for five years, namely, a new treaty of subsidiary and defensive alliance, they both at length consented to, and concluded in January 1805. It may be observed, that during the two preceding years in which this measure had been fruitlessly pursued by the Resident, the British Government had been engaged in an arduous war with the Marhattas, and that it was brought to a very successful close, about the time when the domestic convulsion in Travancore appeared to turn the scale in favour of a more intimate British connection.

16. The articles in which this treaty varied from the one of 1795, were chiefly these: the Rajah, who by the treaty of 1795 stood engaged to furnish the Company, when involved in war, with such part of his military force as he could spare, with safety to his own country, was, by the treaty of 1805, relieved from that obligation, and, in lieu of it, he stipulated to pay annually, in addition to the subsidiary payment under the former treaty, a sum equivalent to the expence of one regiment of native infantry, estimated to amount to rupees 4,01,655; and the disposal of the whole subsidiary force, either within the country of Travancore or the limits of the Company's dominions, was left to the option of the British Government. The Rajah also became bound, by the new treaty, to pay a due proportion of the expence of any troops, additional to the subsidiary force, which it might eventually be necessary to employ for the protection of his dominions. It was expressly provided, that whenever the Governor General in Council should have reason to apprehend a failure in the funds destined to defray either the expences of the permanent military force in time of peace, or the extraordinary expences in time of war, he should have full power to introduce regulations for the management and collection of the revenues, or to assume, on behalf of the Company, the direct management of a part of the territorial possessions of the Rajah, as he might deem most expedient. And whereas the treaty of 1795 had respect chiefly to the internal defence of Travancore, the Rajah promised, by the new treaty, to pay at all times the utmost attention to such advice as the British Government should occasionally judge it necessary to offer him, in respect to all the objects connected with the

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advancement of the internal interest of his Highness, the happiness of his people, and the mutual welfare of both States.

17. The ratification of the new treaty by the Supreme Government arrived at the Rajah's capital in July 1805, and he and his whole Court gave public demonstration of joy on that occasion. The first account of it reached England in November 1805, but the papers connected with the negociation did not arrive till January 1806, and owing to the circumstances of that time, the treaty was not then taken into particular consideration. The correspondence of the Resident, Colonel Macaulay, does not touch upon this treaty after the month of July 1805, until the month of October 1806, when he, having been put under the immediate orders of the Fort St. George Government, on the requisition of that Government, stated, that no part of the additional subsidiary had been paid, and that the Governor General in Council had authorized the remission of one half of that subsidy for two years from the commencement of the treaty.

18. By a letter from the Supreme Government to us, of the 1st May 1807, and a subsequent one from Fort St. George, of the 21st October 1807, the following statements were brought before us:—1st. That the remission of one half the new subsidy, for two years, which was no part of the treaty, was granted at the earnest request of the Rajah, in order to render it as little burthensome as possible to him; and to enable him gradually to effect such military reductions, reforms and improvements as were stated to be necessary to supply the resources for the whole of the additional subsidy:—2dly. That as late as the month of September 1806, the unremitted half of that subsidy had neither been claimed nor paid:—3dly. That the Rajah earnestly desired to retain in his service the corps known by the name of the Carnatic Brigade, which had proved on various occasions essentially useful to him, and to obtain the permanent remission of one half of the additional subsidy, to enable him to bear the charges of that brigade:—4thly. That this application on the part of the Rajah, was deemed to be altogether unreasonable, since the discharge of the Carnatic Brigade, was, to form one of those reductions of expense by means of which funds were to be provided for the additional subsidy, and that the reduction of a large proportion of the Rajah's military establishment was one of the objects of the treaty, independently even of the provision of resources for the additional subsidy; whereas the Rajah had applied the remitted portion of the subsidy to the maintenance of the brigade, and pleaded its continuance in his service in support of his application for the permanent remission of that portion of the subsidy, for which the discharge of the brigade was intended in part to provide, thus, endeavouring to derive advantage from the abuse of a solicited indulgence, of even urging that abuse as an argument for the obtainment of additional concessions:—5thly. That the Supreme Government had determined to require provision to be made for the immediate, or at least gradual, discharge of the unremitted half of the additional subsidy, and the gradual discharge of the whole amount from 12th January 1807:—6thly. That although the discharge of the Carnatic Brigade was a measure obviously conformable to the spirit and intent of the treaty, by which the Company is charged with the whole military defence of the State of Travancore, yet on account of the merit and attachment of the Carnatic Brigade, the Supreme Government would not insist on its discharge of its continuance in the Rajah's service were consistent with the provision of funds for the payment of the Subsidy:—7thly. That it was computed by the Resident, the resources of the Travancore State would not be less than twelve lacks of rupees per annum, after defraying all charges of a civil and military nature, with exception only of the Carnatic Brigade, and after paying the full amount of the new subsidy:—And lastly, that the determination of the Supreme Government having been communicated to the Rajah of Travancore, no further objection was made on the part of his Government, and the arrear of subsidy which had become due, was in train of liquidation by instalments.

19. It was upon this view of things, that the answer contained in our political dispatch to you of the 7th September 1808, was founded. We did not then go into a consideration of the original formation of the treaty of 1805, not being aware of various circumstances in the history of that transaction, which have been since found in our Indian records, but were not indicated in the dispatches from that quarter. We went merely on the principle of requiring the observance of a treaty, supposed to have been fairly and voluntarily made, which after allowing for the deductions stipulated in it of the Rajah's military force, and the relinquishment of all claim on him for military aid to the Company, imposed no heavy addition to the general expence of his Government, and a treaty which the Rajah appeared to be very able to fulfil. Our dispatch however could not reach you before the adoption of hostile measures, both on the part of the Dewan of Travancore and of our Government.

20. From the month of October 1807, when the arrears of subsidy were stated by you to be in a train of liquidation, until the month of October 1808, no progress appears to have been made in that affair, although the Resident states, in July 1808, that for eight months preceding, scarce ten days had passed without his reminding the Dewan of the arrears, which then amounted to rupees 6,62,669: repeated letters in the course of that time, to the Resident and your Government, from the Rajah and his Dewan, which all seem to have been the work of the latter, complained in strong terms of the oppression of the new treaty, and the inability of the Rajah to pay the additional subsidy; the whole was said, by the Dewan, to have been extorted contrary to humanity and the law of nations; and the whole is laid to the personal account of the Resident, according to an usage common among the Indians, who in remonstrating against acts of Government, represent them as the acts of

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its agents only, although in this case, the Governor General had himself written to the Rajah when the new treaty was first proposed; that what the Resident did, he did by his authority, and the Governments, both of Bengal and Fort St. George, had in their direct communications with the Rajah and his minister, left them no pretence for affecting to consider the new treaty and the enforcement of its stipulations, as the personal acts of the Resident. In this period, they for the first time, explicitly demanded the relinquishment of the whole of the new subsidy, whereas before they seemed to have confined their application to an abatement of only two lacks.

21. With respect to the ability of the Travancore revenue to afford the whole of the subsidy, the Dewan appears to have acknowledged in March 1808, that he could not answer the statement of the Resident on that head, and you have expressed our conviction that the plea of inability was unfounded. We are particularly pleased, however, that our Governments, both of Bengal and Fort Saint George, have distinctly declared to the Government of Travancore, that if it could give any satisfactory evidence of inability, due consideration would certainly be paid to that circumstance; and it was doubtless more an evidence of unwillingness than of inability, that no retrenchments were made in the military establishment of Travancore, the reduction of which, with the substitution of Company's troops, was according to the evident understanding of the parties, one of the proposed ends of the treaty.

22. Of such indisposition to fulfil those stipulations, independent of any question of ability, there is sufficient proof even at that period; and it appears to be chiefly, if not solely, imputable to the Dewan, of whose "unhappy bias" the Resident speaks in his letter of the 10th March; and in your letter to Bengal, of the 5th of August 1808, you suspect that Minister to entertain the design of disturbing the relations between the two States; in the same month, the Resident stated in a private letter to Mr. Secretary Buchan, that the Dewan was of late greatly changed in temper, having become ferocious, and that the Rajah was "a mere cypher, trembling at the very name of the Dewan." The Resident also states in a letter of the 16th September, to Mr. Buchan, that the Rajah had several times conveyed to him his satisfaction in the subsidiary engagements, and his perfect reliance on the honour and liberality of the British Government. The letter, however, which you very properly caused to be written to the Dewan, on the 30th July 1808, appears to have produced the happiest effects upon him; he expressed to the Resident the deepest contrition for his past defaults, and on the 22d September he commenced paying the arrears, and with the hopes which this change encouraged, your letter of the 24th October 1808, closed.

23. But those hopes were of short duration. By the month of November, the payment of arrears amounted only to rupees 60,000, and the balance due was eight lacks; instead of a further liquidation of debt, that month produces only a succession of informations from the Resident, evincing with increasing clearness, the certainty of what that officer at first calls "something like a systematic plan of contumacious resistance on the part of the "Dewan," which he says rendered it necessary to apprize the Rajah, that with a view to the proper regulation of the affairs of Travancore, another person should be chosen for the office of Dewan, in the room of Vallay Tomby. This is the man who first comes into notice as the leader of an insurrection in 1799; who, with the assistance of British influence, was advanced to be Prime Minister in 1801; whose early administration is clouded with suspicion, arising from the atrocious murder of the family of the deceased respectable Dewan; who, in 1805, vowed unalterable attachment to British interests, and only two months before professed sincere contrition for his failures in this respect. He now begins to appear as the sole ruler of the Travancore State; the Rajah, though his disposition was deemed to be favourable to the British Government, is stated to have been incapable of following the course of his own wishes; he henceforth ceases to be seen in public transactions, and the Dewan exercises in his own person all the powers of government. We hear of a "faction formed under his protection, of an augmentation of Travancore sepoys, the manufacture of bows and arrows, his training the inhabitants to arms, his success in exciting a ferment, his sending to the Isle of France for 500 artillerymen, and expectation of assistance from thence, his rooted purpose of determined hostility, his being capable of instigating his partizans to an attack, and the expediency of placing him as the prime mover and instigator of hostility under arrest." Early in December you were told by the Resident, that the Dewan still continued, with unremitting activity, his plans of hostile preparations, and that in conjunction with the Rajah of Cochin's Minister, a person who appears to have been a suitable confederate to him, and made a conspicuous figure in the subsequent transactions, he was endeavouring to force that Prince into measures of hostility against the British Government, urging him to unite with other chieftains friendly to Travancore, for the expulsion of the English, requiring him with that view to train particular classes of his subjects in the same manner as had been ordered in Travancore. You were at the same time informed by the officer commanding in Malabar, that a report prevailed there of an intended attack on the British Subsidiary Force, and that an army of 22,000 Travancorians was assembled at no great distance from it.

24. You therefore, with proper precaution, directed detachments of troops to proceed from Trichinopoly and Canara, to be prepared to penetrate the Travancore country on both sides, if the course of events should require measures of that nature; and you informed the Resident at the same time, that the Rajah was to be protected in his person, and in the exercise of all his rights, but that it was necessary such a system of internal administration should be established, as should ensure the exact fulfilment of the existing

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treaty, and guard against the recurrence of those evils which had menaced the public interests in that quarter.

25. After these measures were taken, the Dewan earnestly requested, through a native then at Alleppe, in the service of Colonel Macaulay, to enter into a negociation with that officer. The Dewan proposed to retire from his situation, and to live at Callicut, under the protection of the Company; the terms, which seem to have been moderate on his part, were settled apparently to his entire satisfaction. He on the 27th of December, transmitted to Colonel Macaulay, through the same native agent, a sealed letter to the Rajah, the contents of which he did now show, but he gave a translation of it, which is on your records, and contains the resignation of his office. The agent, a man of character, has reported, that the Dewan on that occasion, said with great sensibility—"Tell the Colonel, I now see and "acknowledge all my errors and faults; I now know that I was wrong and misled; Colonel "Macaulay has twice saved my life, at the risk of his own; by to-morrow I shall owe my "life to him a third time; all the country know that to him I am indebted for the rank "and authority I have held; I quit my office cheerfully, confiding in him; it is the only "reparation I can now offer to him and the Rajah." Colonel Macaulay states, that at the Dewan's earnest request, he had weakened his own party of sepoys, and had sent his palankeens and boats to provide for the Dewan's security and convenience, in coming to him at Cochin, whither he was to proceed on his way to Calicut. The Dewan's letter, written on the 27th of December, he dated the 28th, observing to the agent—"The Colonel will receive "it to-morrow, and as to-morrow will be a lucky day for all parties, let it be dated to-"morrow." On the night of the 28th, a body of 1000 nairs, commanded by a particular friend of the Dewan's, attacked the house of Colonel Macauley at Cochin, with the intention of murdering him; several of his sepoys were killed, and his own escape was most providential and surprizing. On the 30th of December, the Dewan in person, with an army reported to have been 30,000 strong, attacked the British Subsidiary Force at Quilon. The whole of this proceeding is marked by a character of signal perfidy and atrocity, which may throw light on other parts of this man's conduct. It renders credible the report of his designing, in 1806, to have Colonel Macaulay poisoned, and was a prelude to the murder in cold blood, which he afterwards ordered, of Dr. Hume and thirty-three soldiers of His Majesty's 12th regiment, and to the cruelty he exercised towards the native adherents of the British cause who fell into his hands.

26. Before you were apprized of these open acts of hostility, you had, on the 25th of December, countermanded the orders for marching troops from the Carnatic and Malabar to the frontiers of Travancore, and all military movements and measures against that State. You also recalled Colonel Macaulay, and appointed another Gentleman to the charge of the Residency. You have no where distinctly stated the reasons for this change, which you notified to the Supreme Government on the 27th December, observing only in general terms, that subsequent accounts had led you to entertain great doubts regarding the apprehensions which had been excited. This is also the tenor of your letters to us of the 29th December and 27th January; and *in your reply of 15th February 1809, to the letter* from Bengal, of the 23d January, in which that Government acquiesced with evident reluctance, and only in reliance upon your judgment. In your suspension of military proceedings, and the recal of Colonel Macaulay, you merely state yourselves to have "received information, of a private nature, from different quarters, which certainly "impressed you with a belief that the rumours respecting the preparations in Travancore "had been exaggerated." You added, that it was well known the Resident had been long at variance with the Dewan; and that the latter did not cease to make, through different channels, the strongest professions of his earnest desire and endeavour to preserve undisturbed the subsisting relations between the two countries. How far his conduct in respect to the payment of the subsidy, and after his earnest declarations upon the receipt of Sir George Barlow's letter, in the month of September preceding, accorded with these professions, you had yourselves the means of judging; and Colonel Macaulay's private letters to Mr. Secretary Buchan contained no intimation of a change of councils in the Dewan; on the contrary, his letter to Colonel Chalmers of the 9th December, transmitted to Mr. Buchan, states in the strongest terms the continuance of his hostile preparations. On the 20th, indeed, he mentions, that the Dewan had shifted his ground, and that his object was to lull suspicion asleep; but this letter could not well have reached Madras in time to produce the change of measures adopted on the 25th. The real ground of this alteration in your system must have been a doubt of the accuracy of Colonel Macaulay's intelligence, and, as appears from Mr. Petrie's minute, of the propriety of his conduct; which doubts arose from private information derived from other quarters; but that private information has neither been communicated to us, nor to the Supreme Government.

27. With respect to the minute of Mr. Petrie, it delivers merely an opinion, without the facts or reasons on which it may have been formed; and it implies the opinion not to have been first adopted at the time the minute was written; yet we find in no preceding part of your transactions relative to Travancore, any intimation of such an opinion. Upon the whole of this topic we shall only observe, that it is in general impossible to form a judgment here of the wisdom and justice of the measures pursued in India, unless the facts and reasons upon which they are grounded are distinctly stated.

28. We should however, suppose, that the private intelligence above alluded to was of so decisive a nature, as not only to have raised doubts of the accuracy of Colonel Macaulay's

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numerous informations, but to have prevented you from drawing the natural, and indeed the necessary inference, from the perfidious attempt already described of the Dewan upon his life; which attempt, with all the train of atrocious and convincing circumstances attending it, was known to you on the 4th of January, when you, notwithstanding, renewed your orders for the suspension of military measures. In the remarks made upon this decision in the letter of the Supreme Government, of the 23d January, we certainly concur, as well as in the general principles laid down in that very able letter. It was written upon the supposition that your reasons for doubting, both the propriety of the Resident's conduct, and the accuracy of his intelligence, were convincing. Uninformed as we still are of the particulars upon which your doubts were founded, we can pronounce no judgment. Your proceeding however, is a full proof of your unwillingness to enter upon hostilities. Yet whilst we do justice to your laudable motives for being thus reluctant, and for making every attempt to conciliate; and whilst we repeat our own decided aversion to war, and our sorrow for the occurrence of those circumstances in which you were then placed, it still seems to us that after so flagrant an attack upon the public representative of the British Government, to suspend even the march of troops towards Travancore, was not the best mode of seeking conciliation, nor a mode suited to the just respect due to our own Government; and we cannot therefore but reckon it fortunate, that the zeal and activity of Colonel Macaulay, in very trying circumstances, and the gallantry of Colonel Chalmers, and the troops under him, prevented part of the evil consequences which might have resulted from this delay.

29. The attack upon the Subsidiary Force at Quilon, on the 30th of December, left you no option but to resume the system of vigorous measures. It is not our intention, at present, to go largely into this part of the dispatches now before us, nor into the military operations which unhappily became unavoidable. But, as from our general confidence in the wisdom and decision of your Government, it is an unpleasant part of our duty to state our doubts upon any part of your conduct, we think it just to express our decided approbation of the energy and activity you displayed on this occasion. We approve of your letter to the Rajah of Travancore, and of your proclamation to his people, preliminary to the entrance of our troops into his country: but with respect to the instructions which you transmitted on the 19th of January to Colonel Macaulay, for the regulation of the affairs of Travancore after tranquillity should be re-established, it appears to us that it was, at that moment, rather premature to determine exactly upon the future measures that should be adopted with respect to the Rajah, and that your instructions have an air of rigour which it might have been desirable to avoid; but on the general subject of our future relations with that Prince, we shall have occasion to make some observations in the sequel.

30. The conduct of the military operations, so far as they have yet been reported to us, demands our unqualified praise. The steady bravery and repeated victories of Colonel Chalmers and his troops, and his temperate yet firm behaviour towards the Dewan, were of great importance. The storming and capture of the lines of Travancore was an achievement of distinguished gallantry, which reflects great credit on the commanding officer, Lieut. Col. St. Leger, and the officers and men under him, in particular on Major Welsh, who led the storming party in a manner that does singular honour to his intrepidity and perseverance. The civil servants also, whose local situations gave them any part in these transactions, appear to have acquitted themselves with zeal and ability; particularly Mr. Warden, collector of Malabar, who communicated important informations; Mr. Gillio, magistrate in Malabar; and Mr. Hepburn, collector of Tinnevelly.

31. The prompt zeal manifested by his Excellency the Governor of Ceylon, in dispatching early and material aid to our officers employed in Travancore, demands our acknowledgments; and we desire that you will take an early opportunity of making known to him the sense we entertain of his public spirited conduct on this occasion.

32. We are also sensible of the very useful aid derived to our service from the zealous co-operation of Captains Byng and Foote, the Commanders of His Majesty's ships the Belliqueux and Piedmontese.

33. Nor can we omit to notice on this occasion, the becoming conduct of the late Rajah of Cochin, who evinced the utmost reluctance to enter into combination against the Company, and whose life, it is strongly to be feared, was, in consequence of this reluctance, traitorously sacrificed to the views of the hostile party. We think the family and interests of that Prince entitled to our marked consideration, on account of his conduct and his sufferings, and we hope they will have received a due attention from you.

34. With respect to Colonel Macaulay, we find, that soon after his arrival in Travancore, the Rajah complained of him as harsh in his conduct, and as seeking to impose a new treaty upon him. It appears to us, that Colonel Macaulay, in his early intercourses with that Government, assumed a tone of authority, higher, perhaps, than in the former reign had been either usual or equally requisite: by his own account, his public accusation of one of the Rajah's disreputable favourites, of murder, drew upon him the resentment of the Durbar of that time; and his refusal of money, of which he says he had large offers, made him be counted an enemy. The Governor General, Lord Wellesley, however, in answer to all the complaints made to him, declared that he was perfectly satisfied with Colonel Macaulay, and that what he had done, he had done by his order. Lord Clive, to whom similar complaints were made, appeared to have been also satisfied; the new treaty brought on the carpet by him, seems, throughout, to have been the chief article of grievance. The other

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charges advanced against him at that time, which were rather vague and of little importance, and apparently urged with the view of effecting his recal, (as Mr. Powney had, on his complaint, been recalled before, merely because he was disagreeable to him), seem to have been satisfactorily answered; but the treaty was nevertheless represented to successive Governors, both before it was made and afterwards, as the work of Colonel Macaulay, though as already noticed, Lord Wellesley's Letter to the Rajah had distinctly declared that measure to be his own. With the Dewan Vallay Tomby, to whom Colonel Macaulay had rendered such essential services, he seems to have had no quarrel till he began to require the payment of the new subsidy in 1806, and in respect to requisitions on that account, he seems to have been abundantly patient. The tone which he adopted in his memorandum to the Rajah of 10th March 1808, was a proper one, and his calling upon the Dewan for proof that the payment of the increased subsidy pressed inconveniently upon the finances of Travancore, as well as his repetition of the statement of their resources, which he had with great propriety explained upon a former occasion to the Dewan, has our approbation; but we cannot give the same approbation to his ultimate determination, not to transmit the Rajah's letter of 16th February 1808, because that determination naturally led to the irregular communication which ensued; and we must also disapprove his having omitted, when he withheld the letter, to communicate the correspondence which had taken place between the Dewan and himself upon the subject of it to his Government, until the month of July 1808, when he first mentioned it in consequence of the dispatch from the Chief Secretary in the preceding month, returning the subsequent letters from the Rajah and the Dewan, to the Governor. These circumstances, we conceive, ought to have been noticed in your correspondence with the Resident, though it is indeed true, that as the declaration of the inability of Travancore to discharge the full demands had been considered by the Governments of Bengal and Madras as futile, and all requests for a further remission had been directly negatived, the Resident may have been naturally led to think, that a mere repetition of these assertions and demands, unsupported by any fresh proofs or allegations, was unnecessary to be transmitted; and our Government at Madras may upon the same grounds have thought it expedient to put an end to all hopes of relaxation, by considering the subject as closed. The most important letter of complaint received by your Government from the Dewan, appears to be that of the 10th July 1808, which reached you in the interval between the receipt of Colonel Macaulay's explanation of his conduct, as complained of in the Dewan's former communications, and the transmission of your letter of reproof to the Dewan, dated the 30th of the same month. In this letter of the 10th July, the Dewan alledges that the conduct of the Resident and of his nephew Doctor Macaulay, was personally disrespectful and offensive to the Rajah and himself, and he complains pointedly of the delegation by the Resident, of his authority to the latter gentleman, inclosing a copy of a note to himself from Colonel Macaulay, dated the 26th June 1808, in which that delegation is referred to in a manner which seems to show that it had been matter of previous complaint. Of this letter, no other notice appears to have been taken by you, than the mention made of it in your letter of reproof to the Dewan, in the enumeration of the communications from him which are there acknowledged. We are surprised, that you should have thought it unnecessary to require any explanation from the Resident upon the subject of this letter. We should have supposed that a representation of this nature would have led you to call for copies of all the correspondence which had taken place between Colonel Macaulay and the Court of Travancore for some time past, and for as full an account of his verbal communications, and those of Dr. Macaulay with the Dewan, as could be furnished; and we should have expected this the more upon such an occasion, because it is evident from the silence of the records, that the Resident was not in the habit of making a regular communication to you of the particulars of what passed on the constant and pressing applications and remonstrances which had been made by him to the Travancore Government, in respect to the payment of the subsidy. Upon the whole of this subject, it appears to us, that Colonel Macaulay may have been wanting in a conciliatory temper, and that his residence at a distance from the seat of the Travancore Government, with his consequent transaction of the public business by a delegate, was inexpedient. We think also, that he committed an unfortunate error in making the new subsidy higher than the first instructions to him from the Governor General proposed, and upon this point we shall say something more hereafter; but on the other hand, it is fair to allow, that as from the complaints that were reiterated against him, chiefly on the ground of the treaty, and the resistance he experienced to the payment of the new subsidy, it became difficult for him to conciliate that Court, so, although it is a matter of concern, that any plea of this nature should have been afforded for complaints, yet from the character of the Dewan, it cannot be supposed that the personal demeanor of Colonel Macaulay could be the cause of the extensive and deeply criminal views into which he entered; and as far as we can judge from the information before us, Colonel Macaulay appears to have conducted himself with great integrity, and with distinguished ability and firmness in a difficult situation, and in a variety of trying conjunctures.

35. Before we quit this subject, we take occasion to observe, that it is of importance the mode of intercourse between our Government and Courts which stand in a relation to them, similar to that of Travancore, should be distinctly understood. This intercourse should, undoubtedly, be carried on in the regular form, between the Resident and the Prince, or his Minister; but as cases may arise in which the country Powers may have, or think they have, reason to complain of the conduct of a Resident, and means ought to be afforded them of transmitting such complaints through a regular channel, nothing more can be expected

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of them, than that they should do, what appears in the case immediately before us, to have been proposed, namely; to transmit them openly through the hands of the Resident, thereby giving him an opportunity of clearing himself from any unfounded charges which may be brought against him. The establishment of a different principle, would preclude all regular channels of complaint, and leave no hopes of redress but in resistance.

36. Having now reviewed the state of our relations with the Government of Travancore, from an early period to the present time, and through a long course of friendly alliance, to a state of comparative alienation, and at length of open warfare, we proceed to make some observations on the causes which may have led to this last unhappy predicament in which we are now involved, and on the principles by which our future conduct towards that Government ought to be regulated.

37. We have already noticed the great change produced in the external relations of the Travancore State, by the downfal of Tippoo Sultan, and of his power in 1799. From that time, as the protection of the Company has ceased to be essential, which before it was, to the independence of Travancore, so it is certain that our friendship has been regarded by that State with less solicitude; but it might have been expected, that it would maintain its ancient relations, both in gratitude for past services, and because it could not swerve from them without incurring our just resentment; we had a right also, to expect in return, for securing that State from destruction, by enemies external and internal, the most complete security which it could afford us against European force or intrigue; and on the other hand, it was still of so much importance to us, in reference especially to European enemies, to maintain the influence we had obtained over the political conduct of Travancore, that it became our interest to make its connection with us as easy to that State as should consist with a due controul over its foreign relations. To secure the continuance of that controul, was in the new situation in which the two States were placed after our conquest of Mysore, an object of legitimate policy to our Government; but to increase to Travancore the expense of its connection with us to so large an extent, seems to have been inexpedient. According to these positions, it was fairly allowable to our Government to propose in 1800, a new modification of the treaty of 1795, and some increase of the Subsidiary Force; but beyond the amount which upon a just estimate the Rajah should be found likely to save annually, by being absolved from the stipulation to furnish the Company with military aid whenever they should, in a state of war, demand it, it appears to us, that no pecuniary concession should have been required of him, unless he had shewn a perfect willingness to have made up whatever that estimate should have fallen short of the charge of a third subsidiary battalion of our troops; for it became the interest of the Company, in the new state of things, to devote a third battalion to the care of that country, even if no allowance had been made to them for it. The Governor General in his instructions of February 1800, to the Resident, required him to propose that another battalion should be subsidized; but the Resident, as we have already observed, unhappily proposed a regiment; this no doubt increased the disinclination of the Travancore Government to a new treaty, which it resisted for five years, and only acceded to at last, in the moment when it was preserved chiefly by British support, from being overwhelmed by domestic insurrection and revolt. The augmentation of the money subsidy seems, both from what passed at the time and what has since transpired, to have been the objection most felt by the Travancore Government to that treaty. It is indeed, true, that the Resident was correct in believing the Rajah could afford to pay the additional subsidy; the vast military preparations of which Travancore has since been found capable, is a clear proof of this. It is also true, that since the inability of the country has been pleaded, our Government has constantly professed a readiness to pay regard to that plea, if any evidence could be adduced in support of it; and that no such evidence has been offered, is another proof of the ability of the country; it must further be admitted, that nothing could be more improbable or less likely to be apprehended, than any hostility between one Government and the State of Travancore, and that in the situation of the Company's finances in the year 1805, to desire an additional subsidy for an additional force, from a Prince who was able to afford it, who then owed a large balance of obligation to the Company, and was utterly unlikely to break his connection with them, might seem fairly allowable; but after all these admissions, it is in our opinion to be regretted, that any new subsidy beyond the fair commutation already mentioned, should have been demanded; that the grounds of discontent on the part of the Travancore Government, either in respect to the treaty or the conduct of the Resident, as also the reported hostile preparations of that Government, were not in due time closely scrutinized; and it is a source of great concern to us, that either the treaty or the manner of enforcing it should have been in any measure a real or an assignable cause for the misunderstandings that ensued, and which at length unhappily ended in enormities, on the part of the Dewan, that nothing in the treaty or the adherence of our Government to it could possibly justify.

37. When the treaty of 1805 reached us in the end of that year, we were not aware that it had not been entered into with the good will of the Travancore State, having then been quite uninformed of the resistance that had been made to such a treaty during four years preceding; nor were the records which contained the details of the Resident's correspondence during that period brought under our notice, till your late advices called our attention to the subject.

38. That the Rajah of Travancore himself, or any other individual in his situation, would have broken his connection with the Company on such a ground as this, we see no reason

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to believe; and that he should have been of so weak a character, and should have retained a man so unprincipled and malevolent as Vallay Tomby, in an office which enabled him to exercise despotic power, are circumstances to be lamented; but that Minister does not seem at first to have entertained any idea of refusing the payment of the subsidy; and by what process of mind, by what combined views of daring ambition and enmity to our Government, passions by which he seems to have been powerfully influenced, his ferocious spirit was led into formidable military preparations and hostile negociations, and thence to the desperate game he at length ventured upon for independent authority, it must be impracticable to ascertain; but the treaty of 1805 ought not to be considered as responsible for all the consequences flowing from his subsequent illegal assumption of powers, which belonged only to his Sovereign, and from the daring wickedness with which he used those powers. In fact, he appears to have been influenced by events, as they successively arose to his view, and to imagine that he was steadily actuated from the beginning only, or chiefly by the motive of resistance to the additional subsidy, would be to form a conclusion which the nature of his character by no means warrants. It was only after the return to India of Lord Cornwallis, who was supposed to favour a system of external policy different from that of the preceding Governor General, that the Dewan first thought of complaining of the treaty; the changes which afterwards took place, both in the Governments of Bengal and Madras, encouraged him, according to the Indian manner, to renew his complaint; and we are sorry to observe, from his English letters, and circumstances mentioned by Colonel Macaulay, that European or Portugueze intriguers may have contributed to mislead him; but the rumours which were circulated in the country about the time of the Vellore mutiny, the commotions of that time, and above all, the reports of a French invasion, and a new war between the Company and the Mahratta States, seem to have made a strong impression on his mind, and to have disposed him to entertain schemes of aggrandizement and resistance; and as the most effectual means of success, to look to an alliance with the French, with whom, if he could have established a connection, it would be inconsonant to his character to suppose, that he would not have supplied the benefit of it to the establishment of his own power, rather than to the service of his master. The daring lengths to which he is capable of going in his schemes, and in the means of accomplishing them, have been exemplified in some of the transactions already noticed, and receive a further illustration from his plan to assassinate all the European officers of the Subsidiary Force, previous to the attack upon that corps on the 30th of December; and from his attempt to instigate by the most atrocious unfounded calumnies, the Zemorin and other chieftains of that part of India, to rise in arms for the subversion of the British power; a man of such flagitious dispositions never could have been safely trusted, nor can it be at all concluded, that without any plea like that of the new subsidy, his bad passions would not have led him to the greatest extremities. The power which he at length exercised in the Travancore State, rendered his master a cypher, and was inconsistent with the rights of that Prince, and the engagements subsisting between him and the Company. The personal character and conduct of the Dewan were therefore to be clearly separated from any question arising out of treaties between the two States; and we doubt not that in the settlement, which there is reason to hope has long since taken place of the affairs of Travancore, you will have seen the necessity, in justice both to the Rajah and the Company, of depriving the author of all the late disturbances, of the power of doing any mischief in future.

39. With the Rajah himself, who does not seem to have taken personally any active part in the hostile proceedings of his Dewan, and may rather have been intimidated by him into acquiescence, we still wish that a lenient policy may have been pursued. To a pertinacious refusal to fulfil the obligation of a solemn treaty deliberately formed, and a refusal for which no satisfactory or valid reason was assigned, our Government could not, in justice to itself yield; and when this refusal was followed by active hostility against us, it became necessary to have recourse to the law of arms; but when our military power shall have prevailed, as we trust it will, in so unequal and unprovoked a contest, it is our wish that the temperate and indulgent consideration, into which we should from the first have been most ready to enter, of the subsidy stipulated by the treaty of 1805, may still have had place. The luminous and judicious view given in the letter addressed to you by the Supreme Government on the 23d of January, already noticed, of the principles which should regulate the conduct of the Company towards the State of Travancore, both in the critical circumstances then existing, and for the maintenance of permanent relations between us and that State, exhibits in general the sentiments we entertain upon this subject, particularly the latter branch of it, which respects the future connection of the two States. But we are not prepared to admit, with the Governor General in Council, that if it could be proved the revenues of Travancore were, after defraying all expences, adequate to the payment of the additional subsidy, that circumstance would alone be sufficient reason for insisting on the continuance of the standard of 1805. We are, however, fully of opinion, that complete reparation ought to be made by the Travancore State, for the insults offered to our Government by the hostile attacks made upon the house and person of the British Representative, and upon the Subsidiary Force at Quilon, and for the expence of the detachments of troops, which those measures obliged the Company, in self-defence, to march into Travancore. We are of opinion too, that no concession should be made which would appear to the Travancore Government, or to the rest of India, to be the effect of compulsion or intimidation; but that after the honour of our Government has been sufficiently vindicated and secured, our object should be, by manly and liberal policy, to conciliate the lasting attachment of the Travancore State; and that if the amount at which the subsidy

was fixed by the treaty of 1805 should be found to interfere with this object, it ought on that account alone to be reduced.

No 9.

Letter from Court of Directors, 29 Sep. 1809; on Political State of the Travancore Territory.

40. On the whole, although we must ever lament the necessity which has impelled our Government to have recourse to arms against the aggressions of the Travancore State, we would hope, that the events which have lately passed there, and our conduct towards it, will lead to a permanent settlement of our connection with that country, and tend to preserve the general tranquillity of India.

We are,

Your loving friends,

(Signed) CHAS. GRANT. J. HUDLESTON.
WM. ASTELL. ROBT. WILLIAMS.
T. METCALF. GEORGE SMITH.
JNO. INGLIS. GEO. MILLETT.
JNO. JACKSON. W. WIGRAM.
G. A. ROBINSON. JAS. PATTISON.
R. C. PLOWDEN.

London, 29th Sept. 1809.

No. 10.

Copy of the TREATY with the Rajah of *Travancore*, dated the 28th January 1793.

(Copy.)

No. 10.

Treaty (28 January 1793) with the Rajah of Travancore.

ARTICLES of Agreement made and entered into by the Honourable Major General Robert Abercromby, President and Governor of Bombay, for and on behalf of the Honourable United English East India Company, and their Successors, on the one part; and Gueswa Pilla, Dewan to his Highness the Rajah of Travancore, for and on behalf of his said Highness, and his Successors, on the other part; this 28th day of January of the English year 1793, viz.

That this agreement shall not affect or interfere with any agreements subsisting between the said Honourable Company and the said Rajah; and the said Rajah shall deliver to the said Company, between the 10th February 1794 and 10th April following, three thousand candies (of 560 pounds weight) of clean pepper, at the rate of one hundred and fifteen Bombay rupees for each candy, exclusive of two rupees customs for each; and shall further deliver a similar quantity (three thousand candies) annually, at the same price and at similar periods, for nine successive years, that is, three thousand every year, until the 10th of April 1804 (English computation.)

That of the pepper above stipulated to be delivered annually, two thousand five hundred candies shall be delivered at Quilon, and the remaining five hundred candies at the said Company's warehouse at Anjengo, into the hands of such officers as the Company may appoint for the purpose of receiving it.

That the said Rajah shall receive, in part payment for the said annual contract for pepper, the undermentioned articles, at the usual prices for which he has been debited in former contracts; two thousand stand of arms complete, one hundred candies of lead, three hundred yards of scarlet broad-cloth superfine, one thousand five hundred yards of ditto fine, twenty-seven thousand five hundred yards of red purpet, two thousand yards of blue purpet, five hundred yards of yellow purpet, five hundred yards of green purpet.

That the balance due for the said annual provision of pepper shall be discharged in Bombay rupees; which balance, together with the warlike stores stipulated to be taken in part payment, shall be made good between the 10th February and the 10th April of each respective year that this agreement shall be in force, in like manner as the Rajah engages to deliver the pepper within those periods.

That should the Rajah fail to deliver the quantity of pepper contracted for by this agreement, within the periods specified, he shall forfeit to the said Company fifty-seven rupees and an half penalty, for each candy of pepper so deficient. In like manner, should the Company fail on their part, to make good to the Rajah the amount specified in the agreement, within the terms prescribed, they shall forfeit a penalty of double the sum so deficient.

In witness of the foregoing agreement, Major General Abercromby and Gueswa Pilla have subscribed to two copies thereof, which have been mutually exchanged, and have affixed their seals, this 28th day of January 1793.

(Signed) *Robert Abercromby.*

No. 11.

Copy of a PARAGRAPH, 226, of a Revenue LETTER, from the Governor in Council at *Fort St. George*, to the Court of Directors of the *East India* Company, dated 21st October 1807.

EXTRACT REVENUE LETTER from FORT ST. GEORGE, dated 21st October 1807.

Para. 226.

No. 11.
On the Revenue of Malabar.

THE following Extract of the Report of the Board of Revenue, conveys a most satisfactory description of the beneficial changes which have occurred in the affairs of that province:—

"WHEN we consider the destruction of troops, enormous expenditure of the public "money, and miserable state of confusion, which until very lately rendered this province a "source of constant regret and anxiety, we cannot help congratulating Your Honour in "Council, on the very happy change which the public measures have effected. We think "but few instances have been exhibited of a speedier and happier transition from civil war, "poverty, and enormous expenditure of the public money, to perfect tranquillity, increasing "opulence, and comparative economy."

[No. 12.—Copy of a Letter from John Bebb, Esq. (a Director of the East India Company), to the Court of Directors, dated 31 May 1813; respecting the 13th Proposition, submitted to the House of Commons, on the renewal of the Company's Charter;—*having been already printed, is not here inserted.*]

No. 13.

Copy of the 2d and 3d PARAGRAPHS of the Military LETTER, from the Governor in Council at *Fort St. George*, to the Court of Directors of the *East India* Company, dated the 1st of July 1812, relative to the late Occurrences at *Quilon* in *Travancore*.

EXTRACT MILITARY LETTER from FORT ST. GEORGE, dated 1st July 1812.

Para. 2.

No. 13. Occurrences at Quilon in Travancore.

WE avail ourselves of the opportunity afforded to us by the departure of His Majesty's ship Doris for Europe, to transmit to you the enclosed Copies of further Communications from the Resident in Travancore, received since the date of that letter, respecting the late occurrences at Quilon. We have also the honour to enclose Copies of Letters dispatched by our order to the Resident, and to His Excellency the Commander in Chief.

3. We are happy to inform your Honourable Court, that a careful consideration of the Resident's dispatches has confirmed us in our belief, originally grounded on the proceedings of the Military Committee of Enquiry, laid before us by the Commanding Officer of the Subsidiary Force, that the conspiracy at Quilon will ultimately appear, as far as regards the troops, to have been confined to a few bad characters in one battalion of the army, and that the inhabitants of Travancore were entirely unconcerned in it. We have however, deemed it proper to direct, that four companies of His Majesty's Royal Regiment shall be detached from Trichinopoly to Travancore, as a temporary arrangement, until it shall be determined from what garrison the European force intended to be stationed in that country can be permanently spared. The native troops in Travancore have also been ordered to be relieved.

PAPERS

RELATING TO

EAST INDIA AFFAIRS:

VIZ.

Growth of Hemp, and Cotton.—General Revenues of India; and Mr. *Rickards*'s Finance System in part of Salsette.—Permanent Settlement in the Ceded and Conquered Provinces.—Mr. *Rickards*'s Proposition for establishing a General Bank.—Revenue of Broach and Surat.—Jumma or Rental in Guzerat.—Political State of the Travancore Territory; and Treaty with the Rajah of Travancore.—Revenue of Malabar.—Occurrences at Quilon in Travancore.

Ordered, by The House of Commons, *to be printed,*
22 *June* 1813.

PAPERS

RELATING TO

EAST INDIA AFFAIRS.

(Resident Europeans.—Police.—MISSIONARIES.—Weavers, and Investments.)

Ordered, by The House of Commons, *to be printed,*
14 *April* 1813.

LIST OF PAPERS

Presented to The Honourable House of Commons, pursuant to Orders, dated the 2nd—7th—9th—and 12th of April 1813.

—No. 1.—

EXTRACTS from such TREATIES with the Native Powers of *India*, as relate to the Residence of *Europeans* in their respective States - - page 1.

—No. 2.—

EXTRACTS of the Replies of the ZILLAH JUDGES of *Bengal*, *Bahar*, *Orissa* and *Benares*, to the Thirty-ninth Query of the Governor General, in 1801, relative to the conduct of *Europeans*, not in the service of the East India Company, residing within their Jurisdiction - - - - page 5.

—No. 3.—

RETURN to the Order of the Honourable House of Commons, dated the 2nd April 1813, requiring, "Copy of the fourth, fifth, ninth, tenth, eleventh, "twelfth, thirteenth, nineteenth, and twenty-second Paragraphs, of the "Report on the External Commerce of India, dated the 28th December "1804." - - - - - - - - - - page 7.

—No. 4.—

EXTRACT of the *Bengal* Judicial Consultations in the CRIMINAL DEPARTMENT, of the 13th of July 1810; containing a Letter from the Justices of the Peace at Benares to the Secretary of the Government of Bengal, dated the 5th of May 1809, transmitting his Proceedings on certain Charges preferred by a Native Subject against Mr. *James Titchborne*, for an assault and false imprisonment;—together with the Enclosures referred to in that Letter - - - - - - - - - - page 8.

—No. 5.—

EXTRACT of the *Bengal* Judicial Consultations in the CRIMINAL DEPARTMENT, of the 20th of July 1810;—containing an Abstract of the Cases of Mr. *J. L. Turner*, *R. S. Douglas*, *T. Gardner*, and *T. Clark*, Persons accused or tried for serious offences committed in the interior of the Country; also of Mr. *Titchborne*, accused of similar offences;—together with the Depositions referred to in the said Abstract; and Copy of the Proceedings of the Governor General thereon - - - - - - - page 11.

— No. 6. —

Copy of a LETTER from the Governor General in Council, to the Secret Committee of the Court of Directors, dated the 2nd November 1807; relating to The MISSIONARIES - - - - - - page 41.

— No. 7. —

Copies of all DOCUMENTS inclosed in a LETTER from the Governor General of India, to the Court of Directors, dated the 2nd November 1807; in so far as the said Documents relate to The MISSIONARIES:—And, Copy of the ANSWER from the Court of Directors to the said Letter, so far as relates to the said subject of The MISSIONARIES - - - - - page 47.

— No. 8. —

Copy of a LETTER from the *Bengal* Government, to the Secret Committee of the Court of Directors, dated the 7th December 1807; together with the several Enclosures accompanying the same; on the subject of MISSIONARIES: —Also, Extract of a Letter from the Court of Directors, dated 7th December 1808, in REPLY to the said Letter - - - - - page 74.

— No. 9. —

Copy of a PROCLAMATION of Lord WILLIAM BENTINCK, as Governor of *Madras*; dated 3rd December 1806 - - - - - page 86.

— No. 10. —

Copies of all REGULATIONS AND ORDERS, issued, and now in force, under the *Bengal* Government, respecting The WEAVERS, as well in regard to their connexion with the provision of the Company's Investment, as in respect to their employment by Individuals - - - - page 87.

East India House,
14th April 1813.

—No. 1.—

Extracts from such TREATIES with the Native Powers of *India*, as relate to the RESIDENCE of *Europeans* in their respective States.

EXTRACT TREATIES CONCLUDED BY THE GOVERNMENT OF BENGAL.

Treaty with Nudjum ul Dowla, Nabob of Bengal: 1765.

ARTICLE 10.—I will allow no Europeans whatever to be entertained in my service; and if there already be any, they shall be immediately dismissed.

Treaty with Asuf ul Dowlah, Nabob of Oude: 1775.

Article 2.—The aforesaid Nabob engages never to entertain or receive in his dominions Cossim Ally Cawn, the former Soubadar of Bengal; and Sumro, the murderer of the English; even in case of his getting them into his hands, he will, out of friendship, make them prisoners, and deliver them up to the English Company. He also engages, not for any cause or under any pretence, to entertain Europeans of any nation in his service, without the consent of the English Company. That he will prevent, oppose, and send back such as offer to come into, pass through or remain, or shall be in his dominions, without the perwannah of the English Company. The Europeans of every nation, in the service of the said Nabob, are hereby dismissed; and now and in the future, he engages never to entertain the said Europeans, and to deliver up to the English Company such of their servants who have deserted or may desert, in case of his apprehending them.

Treaty with the Ranah of Gohud: 1779.

Article 9.—No English factory shall be established in the dominions of the Mahà Rajah. No persons of any denomination shall be sent into his dominions on the part of the English Company, or with the licence of the Governor General and Council, without his previous consent; neither shall his ryots be pressed for any military service, nor any authority exercised over them but his own.

Treaty with the Marattas: 1782.

Article 13.—The Peshwa hereby engages, that he will not suffer any factories of other European nations to be established in his territories, or those of the chiefs dependant on him, excepting only such as are already established by the Portuguese; and he will hold no intercourse of friendship with any other European nations: and the English, on their part, agree, that they will not afford assistance to any nation of Decan or Indostan, at enmity with the Peshwa.

Treaty with the Nabob of Oude, Asoph ul Dowlah: 1787.

Lord CORNWALLIS's Proposition.	NABOB's Answer.
If any Europeans shall reside there without my permission in writing, your Excellency shall oblige him to quit the country; or, if demanded, send him to the Resident on the part of the Company.	I have not answered every particular of your Lordship's kind letter, because I have heard, that your Lordship positively means to come to this quarter, and when we meet, every matter will be answered in a most friendly manner. Now, considering acquiescence to your Lordship's orders and preservation of your pleasure as the principle of friendship, I have complied.

Treaty with the Rajah of Travancore: 1797.

Article 6.—The reigning Rajah of Travancore for the time being, shall not keep in his service, in any civil or military capacity, nor allow to remain within his dominions, as merchants or under any other plea or pretext, the subjects or citizens of any nation being at war with Great Britain or with the East India Company; nor under any circumstances of peace

No. 1. Extracts from Treaties, relative to Residence of Europeans.

or war, allow any European nation to obtain settlements (*i. e.* territory or places under their own authority) within the same, nor enter into any new engagements with any European or Indian States, without the previous concurrence of the British Government in India.

Treaty with the Vizier Nabob of Oude, Saadit Ali: 1798.

Article 15.—The Nabob, Saadit Ali Khan, engages and promises, that he will not entertain any Europeans of any description in his service, nor allow any to settle in his country, without the consent of the Company.

Treaty with the Nizam: 1798.

Article 6.—Immediately upon the arrival of the subsidiary force at Hydrabad, the whole of the officers and servants of the French party are to be dismissed, and the troops composing it dispersed and disorganized, that no trace of the former establishment shall remain. And his Highness hereby engages, for himself, his heirs and successors, that no Frenchman whatever shall ever hereafter be entertained in his own service, or in that of any of his chiefs or dependants, nor be suffered to remain in any part of his Highness's dominions; nor shall any Europeans whatever be admitted into the service of this state, nor be permitted to remain within his territories, without the knowledge and consent of the Company's government.

Treaty with the Nizam: 1800.

Article 1.—That all the former treaties and agreements between the two states, now in force, and not contrary to the tenor of this agreement, shall be confirmed by it.

Treaty with the Peshwa: 31st December 1802.

Article 11.—Whereas it has been usual for his highness Rao Pundit Purdhaun Bahauder to enlist and retain in his service Europeans of different countries, his said Highness hereby agrees and stipulates, that in the event of war breaking out between the English and any European nation, and of discovery being made that any European or Europeans in his service, belonging to such nation at war with the English, shall have meditated injury towards the English, or have entered into intrigues hostile to their interest, such European or Europeans so offending, shall be discharged by his said Highness, and not suffered to reside in his dominions.

Treaty with the Rajah of Jyepoor (or Jyenagur): 1803.

Article 7th.—The Maha Rajah shall not entertain in his service, or in any manner give admission to any English or French subjects, or any other person from among the inhabitants of Europe, without the consent of the Company's Government.

Treaty with Rajah Umbajee Rao Englah: 1803.

Article 4.—Rajah Umbajee shall not entertain in his service, or in any manner give admission to any English or French subjects, or any other person from among the inhabitants of Europe, without the consent of the English Government.

Treaty with the Rajah of Berar: 1803.

Article 8.—Senah Saheb Soubah engages never to take or retain in his service any Frenchman, or the subject of any other European or American power, the government of which may be at war with the British Government, or any British subject, whether European or Indian, without the consent of the British Government. The Honourable Company engage, on their part, that they will not give aid or countenance to any discontented relations, rajahs, zemindars, or other subjects of Senah Saheb Soubah, who may fly from or rebel against his authority.

Treaty with Dowlut Rao Scindiah: 1803.

Article 13.—The Maha Rajah, Ali Jah Dowlut Rao Scindiah, engages never to take or retain in his service any Frenchman, or the subject of any other European or American power, the government of which may be at war with the British Government, or any British subject, whether European or native of India, without the consent of the British Government.

Treaty with the Ranah of Gohud: 1804.

Article 9.—Maha Rajah Ranah shall not entertain in his service, or in any manner give admission to any English or French subjects, or any other persons from amongst the inhabitants of Europe, without the consent of the British Government.

Treaty with the Rajah of Travancore: 1805.

Article 8.—His Highness stipulates and agrees, that he will not admit any European foreigners into his service, without the concurrence of the English Company Bahaudur; and that he will apprehend and deliver to the Company's Government all Europeans, of whatever

whatever description, who shall be found within the territories of his said Highness, without regular passports from the British Government, it being his Highness's determined resolution not to suffer, even for a day, any European to remain within his territories, unless by consent of the said Company.

Treaty with the Rajah of Bhurrutpore: 1805.

Article 8.—The Maha Rajah shall not, in future, entertain in his service, nor give admission to any English or French subjects, or any other person from among the inhabitants of Europe, without the sanction of the Honourable Company's Government; and the Honourable Company also agrees, not to give admission to any of the Maha Rajah's relations or servants without his consent.

Treaty with Jeswunt Rao Holkar: 1805.

Article 6.—Jeswunt Rao Holkar hereby engages never to entertain in his service Europeans of any description, whether British subjects or others, without the consent of the British Government.

EXTRACT TREATIES CONCLUDED BY THE GOVERNMENT OF FORT ST. GEORGE.

Agreement with the Rajah of Tanjour, 20th October 1771.

IF any Europeans, in the service of the Sircar and Company, have deserted and fled to me, I will deliver them up.

Agreement with the Rajah of Tanjour: 1776.

The Company will be pleased to acquiesce to the following conditions:

Article 3.—No houses shall be built by the Sircar in villages, called Agne, where Bramins reside. No European shall be allowed to dwell near any tanks or ponds belonging to pagodas or Bramin villages.

Treaty with the Rajah of Mysore: 1799.

Article 7.—His Highness stipulates and agrees, that he will not admit any European foreigners into his service, without the concurrence of the English Company Bahaudur; and that he will apprehend and deliver up to the Company's Government all Europeans, of whatever description, who shall be found within the territories of his said Highness, without regular passports from the Company's Government; it being his Highness's determined resolution not to suffer, even for a day, any European foreigners to remain within the territories now subjected to his authority, unless by consent of the said Company.

Treaty with the Rajah of Tanjore: 1799.

Article 11.—His Excellency the Rajah stipulates and agrees, that the said fort shall in no case whatever, become an asylum for public offenders, or for persons desirous of escaping from the jurisdiction of the courts of civil and criminal justice, or from the authority of the revenue officers, or of any other branch of the authority of the Honourable Company; and his Excellency the Rajah further agrees to deliver up all such persons, without delay, on application from such officer or officers as the Governor in Council of Fort St. George shall appoint for the purpose.

Treaty with Azeem-ul-Dowlah, Nabob of the Carnatic: 1801.

Article 11.—The entire defence of the Carnatic against foreign enemies, and the maintenance of the internal tranquillity and police of the country, having been hereby transferred to the British Government, his said Highness engages not to entertain or employ in his service any armed men, without the consent of the British Government, who will fix, in concert with his Highness, the number of armed men necessary to be retained for purposes of state. Such armed men as his Highness may, in consequence of this article, engage in his service, shall be paid at the exclusive cost and charge of the said Nabob.

Treaty with the Rajah of Cochin: 1809.

Article 7.—The Rajah of Cochin stipulates and agrees, that he will not admit any European foreigners into his service, without the concurrence of the English Company Bahauder, and that he will apprehend and deliver to the Company's Government all Europeans, of whatever description, who shall be found within the territories of the said rajah without regular passports from the English Government, it being the said rajah's determined resolution, not to suffer, even for a day, any European foreigners to remain within the territories now subjected to his authority, unless by consent of the said Company.

No. 1.

Extracts from Treaties, relative to Residence of Europeans.

EXTRACT TREATIES CONCLUDED BY THE GOVERNMENT OF BOMBAY.

Agreement with the Marattas: 14th September 1761.

Article 3.—That all Europeans and natives, either soldiers, seamen, or others, in His Britannic Majesty's or the honourable Company's pay, who may hereafter desert from Bombay, shall be immediately secured and returned to the nearest English settlement to such place where they may be apprehended, upon landing in any part of the Maratta country; the governor having promised all such a free pardon, and to pay any reasonable charges that may be incurred on the occasion. In like manner shall be delivered up all deserters, in the English pay, from Surat, on their being known, or immediately on receiving notice of them, within the Maratta limits, it not being in their power to speak more positively with respect to those of Surat, as the country thereabouts is open, and numbers go through it without being known. It is also agreed, that whatever people, Europeans of all nations excepted, who are in the service of Madanao, and may desert therefrom to the English, shall be delivered up on the same terms and conditions.

Agreement with the Shaikh of Bushire: 12th April 1763.

Article 3.—No European nation whatever is to be permitted to settle at Bushire, so long as the English continue a factory here.

Agreement with the Bouncello, concluded at the Fort at Barree: 7th April 1765.

Article 14.—The Bouncello will not entertain in his service any people belonging to the English, whether Europeans or others, nor suffer any European deserters to pass through his districts; but on the contrary, give strict orders to all his officers to seize such as may be seen in his dominions, and return them to the chief of Fort Augustus, on promise of pardon, whether they are applied for or not. The English will observe the same in respect to the subjects of the Bouncello, and slaves to be returned on both sides.

Agreement with the Rannie, at Fort Augustus, 12th January 1766.

Article 10.—Maha Rajah Jeejaboy, the Rannie, will not entertain in her service any people belonging to the English, whether Europeans or others; but, on the contrary, give strict orders to her officers, to seize such as may be seen in her dominions; nor suffer any European deserters to pass through her country, but return them to the resident of the English factory, on promise of pardon, whether they are applied for or not. The English will observe the same in respect to the subjects of the Rannie; and slaves to be returned on both sides.

Treaty with the Nabob of Baroach: 1771.

Article 4.—The Dutch have already a factory at Baroach; but, in future, no other European nation shall be permitted to settle a factory at Baroach, without the consent of the honourable the President and council.

Treaty with Ragobah: 1778.

Article 15.—Ragonath Row Badjerow Purdhan hereby engages and agrees, that no European settlements shall be allowed to be made on the maritime coasts, or in any other part of the Maratta dominions, without the consent of the Company, or of their representatives, being previously obtained; and that no manner of intercourse, or connection, shall be maintained between the Maratta Government and the French Nation; any failure, in which stipulation, will be considered as a breach of the alliance between the Maratta Government and the honourable Company.

Treaty with Anund Row Guicowar: 1805.

Article 9.—The Maha Rajah Anund Row Guicowar Sena Khas Khoyl Shumsheir Behauder hereby engages, that he will not entertain in his service any European or American, or any native of India, subject to the honourable Company, without the consent of the British Government; neither will the Company's Government entertain in their service any of the Guicowar servants, dependants, or slaves, contrary to the inclination of that state.

—No. 2.—

Extracts of the REPLIES of the Zillah Judges of *Bengal*, *Bahar*, *Orissa*, and *Benares*, to the Thirty-ninth QUERY of the Governor General in 1801, relative to the Conduct of *Europeans*, not in the Service of The East India Company, residing within their Jurisdictions.

The thirty-ninth QUESTION put to the Zillah Judges of BENGAL, BAHAR, ORISSA, and BENARES, by the Governor General in 1801; with the ANSWERS thereto.

QUESTION.—WHAT is the nature of the general conduct of the Europeans, not in the service of the Company, who reside within your jurisdiction?

ANSWERS.

Magistrate of Jessore, Mr. *S. Middleton:* 30th November 1801.

They conduct themselves with the greatest propriety.

Magistrate of Midnapore, Mr. *H. Strachey:* 30th January 1802.

There are no Europeans out of the service constantly residing in this district. A few indigo manufacturers and cloth merchants have, or rather had conside[illegible]le dealings in Midnapore, and occasionally come to look after their concerns. The clo[illegible] and indigo trade have very much fallen off within these few years.

Magistrate of Beerbhoom, Mr. *D. Campbell:* 25th March 1802.

There is at present but one European of this description in the district, and his conduct, to the best of my knowledge, has been in every respect uniformly correct and proper ever since he settled in this part of the country, now upwards of ten years.

Magistrate of Hooghly, Mr. *T. Brooke:* 3d May 1802.

With the conduct of Europeans residing in this district, not in the service of the Company, there is no reason whatever to find fault.

Magistrate of Nuddea, Mr. *C. Oldfield:* 16th January 1802.

It is peaceable, and generally correct.

Magistrate of Burdwan, Mr. *G. Thompson:* 9th March 1802.

I am happy to have it in my power to say, that it has been such as to meet with my approbation, correct, regular, and moral; and it is a justice I owe them to observe, that I have not known an instance of complaint against any of them since I have been at the station; now three years.

Magistrates of Fouzdarry Adawlut, of the 24 pergunnahs, Messrs. *Martyn*, *Blaquiere*, *Macklew*, and *Thoroton:* 1st July 1802.

The general conduct of the Europeans, not in the service of the Company, who reside within our jurisdiction, is correct, and very few instances have occurred of any complaint whatsoever having been preferred against them.

Magistrate of Backergunge, Mr. *Wintle:* 7th January 1802.

The general conduct of the Europeans, not in the service, residing in this district (who are very few) is decorous and proper; I seldom have any complaints against them.

Magistrate of Tipperah, Mr. *J. Elliot:* 23d April 1802.

The conduct of the Europeans in this zillah, not in the service of the Honourable Company, is in every respect satisfactory.

Magistrate of Sylhet, Mr. *Roberts:* 1st May 1802.

The Europeans in this district conduct themselves with the greatest propriety; and, generally speaking, the inhabitants are satisfied with the integrity of their dealings.

No. 2.

Replies of Zillah Judges, relative to conduct of resident Europeans, not in the service of the East India Company.

Magistrate of Momensing, Mr. *J. Stracey*: 29th January 1802.

There are no Europeans in the district, out of the service, excepting one Frenchman, who carries on a trifling trade, and is a very quiet well-behaved man.

Magistrate of Chittagong, Mr. *Molony*: 27th March 1802.

They have conducted themselves heretofore, in general, with great propriety, and much to my satisfaction.

Magistrate of Dacca and Jelalpore, Mr. *J. Paterson*: 28th July 1802.

There are no Europeans, not in the service of the Company, in this district.

Magistrate of the City of Moorshedabad, Mr. *Sturt*: 17th March 1802.

With respect to the nature of the general conduct of the Europeans, not in the service of the Company, who reside within my jurisdiction, there are only two of the description alluded to, viz.—Mr. Holst, who has been permitted, with the sanction of Government, to continue in charge of the Dutch factory at Calcapore, and a Frenchman, also resident at Calcapore, whose sole occupation is that of a confectioner, and who is, I understand, a quiet sober character.

Magistrate of Rajshahy, Mr. *C. Greme*: 10th April 1802.

The Europeans, not in the Company's service, who reside within this jurisdiction, have, since I have been in the district (which is now four years and a half) behaved themselves in the most orderly and correct manner; so much so, that I do not recollect any complaint having ever been preferred against one of them.

Magistrate of Bhaugulpore, Mr. *J. Wintle*: 31st May 1802.

The general conduct of the Europeans, not in the service, residing in this district (who are but few) is decorous and proper; I seldom have any complaints against them.

Magistrate of Dinagepore, Mr. *Burges*: 15th January 1802.

The conduct of the few Europeans, not in the service, resident in this district, I have ever found to be peaceable and correct.

Magistrate of Purnea, Mr. *Thornhill*: 19th December 1801.

The Europeans residing in this district have, during my time, conducted themselves with propriety.

Magistrate of Zilla Moorshedabad, Mr. *J. Becher*: 31st December 1801.

The few Europeans, not in the honourable Company's service, residing in my district, behave with great propriety in all respects.

Magistrate of Rungpore, Mr. *J. Wordsworth*: 13th April 1802.

The conduct of the Europeans, not in the service of the Company, who reside within my jurisdiction, has ever been of the most exemplary nature; and to them have I been often indebted for important information; and the country, in a great measure, for its present improved and improving state of manufactures, cultivation and commerce.

Magistrate of Sarun, Mr. *Boddam*: 16th December 1801.

There are only three Europeans, not in the service of the Company, who reside in this district; but others go to Boggah, at the proper season, to purchase timbers. Mr. Blake has a considerable indigo work at Acherpoor; Mr. M'Eatie has one at Dironly, on the banks of the Dewa, but he principally trades in timbers; and Mr. Massyck has a small indigo work near to Mr. Blakes. I have never received a single complaint against either of these gentlemen; on the contrary, I have every reason to believe, that the inhabitants of that part of the country in which they reside, are perfectly satisfied with their conduct, and reap great benefit from the money expended by them in their manufactories.

Magistrate of Behar, Mr. *A. Tufton*: 9th December 1801.

I am most happy to bear testimony to the good conduct of the Europeans in this district. Two complaints only have been made against them within these last four years; and they arose, not from any dishonesty or oppressive conduct, but from that haste and want of consideration which Europeans, not conversant with the people, and strangers to the language, are sometimes apt to indulge in. The natives are, however, grown very impudent.

Magistrate of Shahabad, Mr. *G. Webb*, 11th December 1801.

The conduct of the Europeans, not in the service of the Company, who reside in this district, has been very correct.

Magistrate

No. 2. Replies of Zillah Judges, relative to conduct of resident Europeans, not in the service of the East India Company.

Magistrate of Ramghur, Mr. *W. T. Smith*: 21st December 1801.

There are no Europeans of this description residing in this jurisdiction.

Magistrate of Tirhoot, Mr. *G. Arbuthnot*: 22d December 1801.

Having never had any serious charge preferred against any of the Europeans, not in the Company's service, who reside in this district, I naturally conclude, that they conduct themselves in a quiet and peaceable manner.

Magistrate of the City of Benares, Mr. 17th December 1801.

I never have heard any complaints on the subject.

Magistrate of Juanpore, Mr. *A. Willand*: 17th December 1801.

The conduct of Europeans, in this district, is mostly applied to the manufacture of indigo, and to concerns in the traffic of cloths. The encrease of the circulation of money in consequence, is of considerable benefit; but scarcely one among them has been successful in his speculations, and some appear to be suffering under severe privations and distresses.

Magistrate of Mirzapore, Mr. *R. Ahmuty*: 30th November 1801.

No complaint of a violent tendency has ever been brought forward against any of the Europeans who reside in this district, out of the service; and they have, on all occasions, conducted themselves with perfect humility, and the utmost deference to the rules and orders of Government.

—No. 3.—

RETURN to the Order of the Honourable House of Commons, dated the 2d April 1813; requiring, "Copy of the fourth, fifth, ninth, "tenth, eleventh, twelfth, thirteenth, nineteenth, and twenty-second "Paragraphs of the REPORT on the External Commerce of *India*, "dated the 28th December 1804."

RETURN to the Order of the Honourable House of Commons, dated the 2d April 1813; requiring, "Copy of the fourth, fifth, ninth, tenth, eleventh, twelfth, "thirteenth, nineteenth, and twenty-second Paragraphs of the REPORT on "the External Commerce of India, dated the 28th December 1804."

THE entire Reports of the External Commerce of Bengal, from 1795 to 1811, having already been presented to the House, the Extracts required by this Order will be found in the Volume containing these Reports.

Examiner's Office,
East India House.

—No. 4.—

Extract of the BENGAL Judicial Consultations in the Criminal Department of the 13th of July 1810; containing a Letter from the Justice of the Peace at *Benares* to the Secretary to the Government of *Bengal*, dated the 5th of May 1809, transmitting his Proceedings on certain Charges preferred by a NATIVE SUBJECT against Mr. JAMES TITCHBORNE, for an Assault and false Imprisonment; together with the Enclosures referred to in that Letter.

EXTRACT BENGAL JUDICIAL CONSULTATIONS,

the 13th July 1810.

(Criminal.)

No. 54. Justice of the Peace at Benares to George Dowdeswell, Esq. Secretary to Government, Fort William.

SIR,

I have the honour to inclose, for the information of the right honourable the governor general in council, all the proceedings held by me in English and Persian, on the charges preferred by Ram Gholam against Mr. James Tichborne, for an assault and false imprisonment; and in the full discharge of my duty, I have deemed it expedient to commit Mr. Tichborne to take his trial before the Supreme Court of Judicature, on the grounds of the depositions of the prosecutor and his witnesses.

I have the honour to be, &c.

Benares, 5th May 1809. (Signed) *W. T. Smith*, Justice of Peace.

No. 55. The information and deposition of Ram Gholam, prosecutor, taken upon oath before W. T. Smith, Esq. one of His Majesty's Justices of the Peace in and for the city of Benares, the nineteenth day of April 1809; who, on his oath, saith; My name is Ram Gholam, my father's name is Munsa, I am of the cast of Aheer, I reside at Fardonce, in the district of Goruckpore, I am about 50 years of age, and have been in the employment of Mr. Tichborne from the commencement of the year 1803 until the period of my imprisonment by Mr. Tichborne, in the month of Assin 1808. In the month of September Mr. Tichborne complained against me to the magistrate of Goruckpore in the Foujdarry Adawlut, for the sum of 5,572 rupees, the price of timber. Mr. Ahmuty, the magistrate, consequently placed a chupprassy named Seta Ram, over me, who conveyed me to the Court, where I gave in a reply to the complaint, and I petitioned the Court to depute an aumeen to enquire into the nature of Mr. Tichborne's complaint against me; security being required from me by the Court, directed a chupprassy to proceed with Mr. Tichborne's mootsuddies and my own mootsuddies to enquire into the accounts, and bring them before the Court for examination, who would afterwards decide upon what was proper to be done. Mr. Tichborne beat Rugbunsee Loll, for not making out these accounts in the manner Mr. Tichborne wished, and the nephew of Rugbunsee Loll consequently preferred a complaint to the Judge of Goruckpore, who sent Emmaumbux to protect the mootsuddies, and to prevent their being beaten by Mr. Tichborne in future; after this, Mr. Tichborne confined me on board one of his boats, from the 22d September until the 24th December 1808; in consequence of this dispute about accounts, on the 24th of December I asked Mr. Tichborne why he confined me? when Mr. Tichborne answered, do you want your discharge? I would expend 2,000 rupees to take your life away. On the 22d September Mr. Ahmuty's chupprassies enquired of Mr. Tichborne where he was taking me to; and Mr. Tichborne replied, I am going to Ragepore, come along with me; to which the chupprassies replied they could not without orders from the Judge; afterwards Mr. Tichborne said to the chupprassies, I know nothing about the Court, you may return. The chupprassies went away, and reported this circumstance to the Judge, when Mr. Tichborne imprisoned me in his boat, and conveyed me to Ragepore; we arrived at Ragepore, where Mr. Tichborne had pitched a tent, and he took me out of the boat, caught me by the neck and [illegible] and beat me, and afterwards tied me by the hands to a bamboo, on which the sail of the boat was suspended, and he caught me by the mustaches, and pulled them violently; after having thus ill-treated me for three hours, he made me over to the custody of the chupprassy, who re-conveyed me on board the boat; when we had left Ragepore, we proceeded two coss below the river, I was again taken out of the boat, and compelled to pull

No. 4. Extract Bengal Judicial Cons in. Crim. Dep. 13 July 1810:— Assault upon a Native Subject by an European.

pull the ghoone of the budgerow; one of Mr. Tichborne's boats sunk a little a-head, in consequence of which Mr. Tichborne came too for the night, when myself, Ajudiah Persaud, and Rugbunse Loll, were placed on board the sunken boat, and kept there under the custody of a chupprassy the whole of the night, up to our middles in water, without food. The next morning we proceeded to Bogalepore, and when we arrived, Mr. Tichborne again took me out of the boat, and beat me in the face; two or three days after this we went to Darowly, when Mr. Tichborne seized all my clothes, and beat me with a rope; from Darowly Mr. Tichborne went on without me, and left me and the other people with Mr. Robinson, who went to Decree Gunge; when I arrived at Revel Gunge, to which place Mr. Furgusson, the magistrate of Chupprah, had wrote to Mr. Tichborne, requiring my attendance; Mr. Tichborne consequently delivered me over to the custody of Mr. Furgusson's peons, who took me to Chupprah, where I was maintained at the expence of Government, and Mr. Furgusson took down my deposition, and sent me to Benares. Calloah chupprassy was placed over me, from our leaving Gorruckpore until our arrival at Darowly; and I was under the custody of Ram Sing chupprassy, from our leaving Darowly, until my arrival at Revel Gunge.

Chunee Lall and Bussunt Lall have absconded, in consequence of an order to do so, from Mr. Tichborne.

(Signed) *Ram Gholam,*
his mark.

Sworn the day and the year first above written, before me,
(Signed) *W. T. Smith,* Justice of the Peace.

No. 56.

The Examination of James Tichborne, taken before me, W. T. Smith, one of His Majesty's Justices of the Peace in and for the Province of Benares, the 20th of April 1809.

The said Examinant being duly interrogated, saith; I am not guilty of the charge laid against me.

(Signed) *Ja. Tichborne.*

Taken the day and year first above written, before me,
(Signed) *W. T. Smith,* Justice of the Peace.

No. 57.

The Information and Deposition of Sook Lall Sookul, 1st witness, taken upon oath, before W. T. Smith, Esq. one of His Majesty's Justices of the Peace in and for the City of Benares, the 19th day of April 1809; who on his oath saith; My name is Shook Lall Sookool, my father's name Domey Sookool; I am of the cast of Brahmin; I reside at Jullalpore in the district of Mozufferpore; I am about 42 years of age, and I have been in the employment of Mr. Tichborne one year; I know Ram Gholam, he was in Mr. Tichborne's employment, but I do not know how long; in the month of September 1808, Mr. Tichborne complained against Ram Gholam, for the theft of 5,572 rupees, in the Dewanny Adawlut; after which, Mr. Tichborne solicited the Judge of Gorruckpore to sell the effects of Ram Gholam to make good the loss he had sustained, or commit him to prison; the Judge replied, that without enquiry he could not give an order of such a nature, but after examining into the business, proper measures should be adopted; a chupprassy was accordingly sent to summons Ram Gholam, who attended the Court, and gave in his reply to the complaint, and petitioned the Court to depute an ameen to enquire into the number of timbers, and what were the price of them; and if, agreeably to the account, there was any balance in favour of Mr. Tichborne, he would pay it afterwards; Ram Gholam gave in his security into the Court, and Mr. Ahmuty, the Judge, directed Sela Ram to order the two mootsuddies to compare the accounts and to bring them to him, when instructions would be given, when it was ascertained what was right and proper. In the mean time, these accounts had been ready eight days, when Mr. Tichborne told Ram Gholam that his timber boats were going off, and that Ram Gholam must proceed with them. Ram Gholam replied; my complaint, respecting our accounts, is still pending before the Court, without any decision being passed; how can either you or I go away? and Seta Ram, chupprassy, also stated this circumstance to Mr. Tichborne; but Mr. Tichborne replied, that he knew nothing of the forms of the Court, and directed Seta Ram, chupprassy, to proceed with him to Ragepore; the chupprassy replied, that he could not, without orders from the Judge; when Mr. Tichborne told the chupprassy, he might go. The chupprassy went away accordingly; when Mr. Tichborne placed Ram Gholam on board his boat, and proceeded in the month of Cautick to Ragepore; when Mr. Tichborne arrived at Ragepore, he pitched a tent; at which place one of the mhullee, and another person, ran away; when Mr. Tichborne sent for Ram Gholam, and told him to procure the attendance of the mhullee, that had ran away; Ram Gholam replied, you have imprisoned me; how can I obtain the appearance of the mhullee; on which Mr. Tichborne kicked, and beat, and pulled him violently backwards and forwards, and tied him by his hands to a bamboo, and kept him in this state for six hours; when he placed him in the custody of Culloah and Ram Sing, chupprassies, who placed him again on board the boat. In the morning, the boat I was in proceeded on, and Mr. Tichborne and Ram Gholam remained behind; I consequently do not know what happened afterwards; but three days after this, I reached Boglepore, where Mr. Tichborne and Ram Gholam arrived; at this place, one of Mr. Tichborne's boats sunk;

No. 4. Extract Bengal Judicial Cons. in Crim. Dep. 13 July 1810.— Assault upon a Native Subject by an European.

and Mr. Tichborne called Ram Gholam, and ordered him to change the boat, and get another; who replied, where am I to get another boat? when Mr. Tichborne beat him. After this I went to Chupprah, and know nothing more of the business.

QUESTION put to the Witness:

Was Ram Gholam ever placed under your custody?

Yes; I was placed over Ram Gholam, at Mr. Tichborne's bungalow, at Gorruckpore, for three days.

What were the nature of the orders Mr. Tichborne gave you, when you were placed over Ram Gholam?

He directed me to confine Ram Gholam, stating that he would neither settle his accounts with him, or pay him the balance for the timbers.

QUESTION put to the Witness by the Prisoner.

You are a chupprassy. How do you know any thing of this complaint for 5,572 rupees?

I went with yourself, Chunee Lall, and Bussunt Lall, to the cutcherry, and you represented this to the Judge's moonshee, in my hearing.

(Signed) *Sook Loll Sookool,*
his mark.

Sworn the day and year first above written, before me,
W. T. Smith, Justice of the Peace.

No. 58. The Information and Deposition of Kulloot, 2d Witness, taken upon oath, before W. T. Smith, Esquire, one of His Majesty's Justices of the Peace in and for the City of Benares, the 20th day of April 1809; who, on his oath saith; My name is Kulloot; my father's name, Doolum; I am of the cast of Aheer, an inhabitant of Gorruckpore, 22 years of age; I was four months and a half in the employment of Mr. Tichborne; when Mr. Tichborne was about to proceed to Ragepore, in the month of Cautic, he ordered Ram Gholam to proceed with him; Ram Gholam stated, that he had deposited his security with the Judge of Gorruckpore, and asked Mr. Tichborne why he wished to take him away; Mr. Tichborne replied, I shall not release you; I would expend 2,000 rupees to take your life away. Seta Ram, chupprassy, asked Mr. Tichborne what orders he had for him, if he went to Ragepore; and Mr. Tichborne desired the chupprassy to go with him to Ragepore. The chupprassy said he would go to the Judge, and if he got an order to that effect, he would proceed with Mr. Tichborne to Ragepore; when Mr. Tichborne replied, I do not know the business of the Judge, and the chupprassy returned to the huzzoor. Afterwards, Mr. Tichborne having confined Ram Gholam on board a boat, proceeded to Ragepore, where Mr. Tichborne had pitched a tent, and two days after, one of the mhullees of the boat ran away, and Mr. Tichborne ordered Ram Gholam to recover the mhullee, which Ram Gholam stated he could not do, as he was in confinement; when Mr. Tichborne knocked Ram Gholam down, tied both his hands, and pulled him by the whiskers, and threatened him with a stick he held in his hand; shortly after this, Mr. Tichborne left Ragepore, and had proceeded two coss, when he made Ram Gholam pull the ghoon of the boat. The ghoon broke, and Ram Gholam was placed in a dongee, and conveyed into the middle of the boat that was sunk; but not being able to raise the boat, Ram Gholam, Ajudeah Pershaud, and Bundoo Loll, were made over to the custody of Kable Khan and myself. The next morning we left the place, and when we arrived at Boglepore, another boat of Mr. Tichborne's sunk, in consequence of which Mr. Tichborne sent for Ram Gholam, and beat him with his fist, insisting that the boat had sunk from his connivance. Ram Gholam was then made over to a sepoy of Mr. Tichborne's, who was ordered to convey and confine him in the tannah. The tannadar refused to receive charge of Ram Gholam. Chunny Loll Mutsuddy went after this to the tannah and brought Ram Gholam away, and replaced him in Mr. Tichborne's boat. When we arrived at Darowley, Mr. Tichborne seized all the papers and accounts of Ram Gholam, Rugbunee Loll, Chunee Loll, and Bussunt Loll, and beat Gholam and Rugbunee Loll with a rope. Mr. Robinson sent me after this to Chupprah, and I do not know more of the business. When I went to Chupprah, Ram Gholam was in the custody of Ram Sing.

(Signed) *Kulloot,*
his mark.

Sworn the day and the year first above written, before me,
(Signed) *W. T. Smith,* Justice of the Peace.

No. 59. The Information and Deposition of Bitchook, 3d Witness, taken upon oath, before W. T. Smith, Esquire, one of His Majesty's Justices of the Peace in and for the City of Benares, the 20th day of April 1809; who, on his oath saith; My name is Bitchook; my father's name, Dolah; I am of the cast of Aheer, inhabitant of Ferdance, in the district of Gorruckpore, 28 years of age, and I have been in the employment of Mr. Tichborne four years, as a bullock-driver; another servant, named Munnoah, who was also a bullock-driver in the employment of Mr. Tichborne, went to Mr. Tichborne at Gorruckpore, in the month of

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of Caatic, to get mine and his own wages, who obtained his wages and returned to Fadanee, and stated, that Mr. Tichborne had imprisoned and beat Ram Gholam and Rugbunee Loll, mootsuddies, and told me, Mr. Tichborne would not send me my wages, and that I had better go to Gorruckpore for my wages myself. After this Munnoah collected his clothes, &c. and non * away for the service of Mr. Tichborne, and of this circumstance I went to Gorruckpore to apprize Mr. Tichborne and to get my wages: but Mr. Tichborne observed, that he could not give me my wages, as Ram Gholam and Rugbunee Loll had gone to Ragepore. After this, Mr. Tichborne went to Ragepore, and Lollgraim and myself followed him in two days. There was a balance of wages of 34 rupees due to me from Mr. Tichborne, of which he only paid me five rupees; when at Ragepore, I saw Mr. Tichborne beat Ram Gholam, tie his hands to a bamboo, and threaten him with a stick. He kept Ram Gholam in this situation for three hours, and then released him. In the morning, I went to Boglepore, where I heard, that in consequence of one of Mr. Tichborne's boats having sunk he had beaten Ram Gholam; I also heard, that a boat of Mr. Tichborne's had sunk at another place, and that Mr. Tichborne had placed Ram Gholam in a dongee, and had him conveyed into the sunken boat, and I saw Mr. Tichborne beat Ram Gholam with a rope at Darowlee. After this, I went to another place with Screekishen, and know nothing more of the business.

* *Sic orig.*

(Signed) *Bitchook*, his mark.

Sworn the day and the year first above written, before me,
(Signed) *W. T. Smith*, Justice of the Peace.

—No. 5.—

Extract of the BENGAL Judicial Consultations in the Criminal Department of the 20th of July 1810; containing an Abstract of the Cases of Mr. *J. L. Turner*, *R. S. Douglas*, *T. Gardner*, and *T. Clarke*, Persons accused or tried for serious Offences, committed in the interior of the Country; also, of the Case of Mr. *Titchborne*, accused of similar Offences; together with the Depositions, &c. referred to in the said Abstract, and Copy of the Proceedings of the Governor General thereon.

EXTRACT BENGAL JUDICIAL CONSULTATIONS,

the 20th July 1810.

(Criminal.)

THE Secretary submits the following Abstract (together with the Depositions on which it is founded) of the cases of the different persons who are stated in the foregoing letters to have been accused of or tried for serious offences, committed in the interior of the country; together with that of Mr. Tichburn, who has been some time in confinement for similar offences. The case of that person is recorded at large on the Judicial Proceedings of the 13th instant.

ABSTRACT.

Mr. J. L. TURNER, Zillah Tirhoot.

Mr. Turner was indicted for murder. The Depositions state, That Mr. Turner having sent peons to seize and bring the deceased and other ryots before him, and having inquired why they had not sown indigo, according to their engagements, Mr. Turner's dewan alleged that the deceased would not sow, unless he were punished. On this, Mr. Turner struck the deceased several times with his fists and kicked him, and then ordered him and two other ryots into the stocks for the night, during which the deceased died. The place where the stocks stood was infested with snakes, and the Jury appear to have given credit to the evidence brought forward to prove that the deceased was bitten by a snake, and died in consequence. They acquitted Mr. Turner accordingly. No. 4.

Mr.

No. 5. Further Extracts from Bengal Judicial Cons. 20 July 1810.—Offences committed in the interior of the Country.

Mr. R. S. Douglas, Zillah Sarun.

Mr. Douglas was charged as an accessory before the fact, in the crime of arson and violent outrage committed at the premises of Mr. Moran; he was further charged with being an accessory after the fact, in having received, harboured and maintained the said natives, knowing the crimes in question to have been committed by them. The remote cause of the outrage seems to have been an attempt made by Mr. Moran to establish indigo works and a haut, in a place which interfered with indigo works before established by Mr. Douglas, and with a haut established by a zemindar connected with Mr. Douglas. The immediate and ostensible cause of the outrage committed, was an attempt on the part of Mr. Douglas and the native landholders, to prevent the people of Mr. Moran from taking water or cutting reeds for building the new factory from a nullah which adjoined Mr. Moran's ground, but was claimed as the property of the native. In the prosecution of this intention, armed men (among whom were the native prisoners who were servants of Mr. Douglas) were sent to enforce the prohibition, and an affray took place between the parties, which ended with a few blows on each side; but a few days afterwards Mr. Douglas's party, having been reinforced by a number of armed men, proceeded to Mr. Moran's premises, severely beat his assistant, Mr. Clark, destroyed every thing moveable, and burnt the huts, containing grain, &c. The Jury found the natives guilty; and as to Mr. Douglas, their verdict of guilty, as accessory before the fact, being coupled with the expression of a doubt, that the natives had exceeded his directions, the Judge refused to receive the verdict; and the Jury, after an hour's deliberation, brought in a verdict of guilty, as accessory after the fact, in having harboured and maintained the others, knowing them to have been guilty of the crimes committed. Sentence, a fine of 1,000 rupees, and 12 months imprisonment.

Mr. Gardiner, Zillah Nuddeah.

Mr. Gardiner was charged with the murder of a clashy in his service. The deceased was employed in superintending the ryots in sowing indigo. It would appear that his master was not satisfied with his activity, and had him and another seized and brought before him, and punished by stripes with a rattan, partly inflicted by Mr. Gardiner, with his own hand; after this, he ordered chillies and salt to be applied to the wounded parts, but salt only was used. The deceased received about 15 or 20 strokes of the rattan on the posteriors and back, after which both of the clashees were sent to another factory. It does not appear that they were confined; but they both declared their intention of quitting Mr. Gardiner's employment. The day after the beating, the deceased was seized by a vomiting and bowel complaint, and continued, during that and the succeeding day, so ill as to be able to take very little nourishment from his relations, who attended him, and drinking only water to assuage a violent thirst, of which he complained. He died towards the latter part of the third night after the day on which he was flogged. The grand jury threw out the bill.

Mr. T. Clark, Zillah Purneah.

No. 4. Mr. Clark was charged with the murder of a ryot. The depositions state, that the deceased had been sent for, to receive advances for the cultivation of indigo; but, in consequence of his stating that he had no bullocks, and therefore could not take advances, nor cultivate to the extent required, Mr. Clark's sircar insisted upon taking a pair of bullocks, at 10 rupees; but the deceased refused to allow more than 8 rupees. His refusal being notified to Mr. Clark, he came and struck the deceased several times with his fists, and kicked him; after which the deceased walked home, having previously received an advance of 4 rupees, and the 2 bullocks at the adjusted price of 9 rupees, which he gave in charge to one of his neighbours, to drive home. The deceased died the next morning in consequence, as the depositions state, of the beating. Verdict, manslaughter; sentence, a fine of 400 rupees, and 12 months imprisonment.

Mr. Tichburne, Zillah Goruckpore.

Mr. Tichburne was accused of the murder of a gomastah, employed in the timber trade. It appears that Mr. Tichburne sent to the deceased, requiring his presence for the adjustment of his accounts; but the hircarrahs sent to bring him returned with information, that the deceased was ill, and unable to come. On this, Mr. Tichburne suspecting collusion, flogged the hircarrahs; and taking them tied in his boat to Goruckpore, sent them again to enforce the attendance of the deceased, who being very ill and weak, was conveyed to Mr. Tichburne in a dooly; when Mr. Tichburne placed him in confinement in an out-house, stated to be a bathing-place, and necessary. Here he remained for 14 days without any food or nourishment, except a little sherbet; stating, that he could not eat food in a necessary, but that if removed to a Hindoo house, he would eat. The deceased at length died. The jury found Mr. Tichburne guilty of manslaughter, and he was sentenced to pay a fine of 400 rupees, and to be imprisoned for 12 months.

Mr. Tichburne was again indicted at the following sessions, for a most aggravated assault and imprisonment of Ramduloll, another of his gomastahs. In this case it appeared that Mr. Tichburne had some trifling dispute with Ramduloll, respecting advances on account of the wages of his woodcutters; in consequence of which Ramduloll was first beaten by his employer, and then had a complaint laid against him, before the magistrate, for withholding

advances to the amount of 5,000 rupees. The magistrate directed an adjustment of the accounts by two mutsuddies, who found a balance due from Mr. Tichburne of 3,000 rupees; when Mr. Tichburne, instead of adhering to this adjustment, carried Ramduloll on board his boat, and proceeded down the river; and during several months, Ramduloll was imprisoned in the boats, repeatedly flogged, pulled by the beard, and compelled to pull the ropes of the boat. Mr. Tichburne was found guilty, and sentenced to a fine of 100 rupees, and imprisonment for 12 months.

No. 5. Further Extracts from Bengal Judicial Cons. 20 July 1810.—Offences committed in the interior of the Country.

(A true abstract.)

(Signed) *G. Dowdeswell*, Sec^y to Gov^t.

DEPOSITIONS in the case of JOHN LATHBURY TURNER.

No. 5.

THE Information and Deposition of Fawruckul Roy, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the Town of Calcutta, at Fort William in Bengal, the seventeenth day of November 1809; who, on his oath saith; I am a native of Mouzah Koorjena, in pergunnah Bhoosaree, in the province of Behar; and the son of Mootty Roy, the malick or owner of the Mouzah Khoorjeanah. On a Sunday morning, some time in the month of Assaur last, Bhobany Roy, Mosaheb Merdha, and Bhicrary Roy, peons belonging to Mr. John Lothbury Turner, came to my village, and seized my father, Motty Roy, and carried him to the indigo factory of their master at Suvoonny, in Baliah pergunnah, in the same province, at the distance of seven coss; I did not accompany my father to the factory. Early on the following morning, Roop Sing and Ramdyal Roy came to my house, and informed me that my father, Motty Roy, was dead; upon hearing this news, I, Sobha Roy, Jebon Roy, Chironjee Roy, and Soobron Roy, proceeded to the factory, and arrived there on the same morning; we there saw the corpse of my father laying on the ground in an open place. Rutton Laul, a chuprassy belonging to the thannah, was making enquiry, and he desired me to point out to him any marks of beating or violence on the body; whereupon I took off the cloth with which the corpse was covered, and shewed to the chuprassy the marks of a blow on the right cheek, and another on the left; I observed another mark, as if caused by a kick, on the navel, which I also pointed out to the chuprássy; I then observed another mark behind the right thigh, as if occasioned by another kick. These last marks appear to have been done with boots or shoes, from the impression of violence on the body. The blows on the face appeared to have been done with fists; all those marks had become blue. I then put the corpse on a bamboo tatty, and with the assistance of the persons who accompanied me, took the corpse to the thannah. In the way, we met the thannahdar coming towards the factory, in order to make further enquiry; I requested of him to do so, and suffer us to burn the corpse. The thannahdar desired me to take the corpse back to the factory, where he would make the necessary enquiry, and then let us burn it. As we had become faint through fatigue, and unable to proceed further, the tannadar left one of his chuprassies with us, who took care of us, and procured us some nourishment in a village, where he kept us until the next morning. On the following morning, we reached the factory with the corpse. The thannadar sent one of his chuprassies for Choyton Roy, Ojet Roy, and Dhumram Roy, the malicks or owners of the village, and interrogated them as to the murder. The malicks said, there are no dosauds or chowkeedars in the village that can give any account respecting the murder; but they stated to the thannadar, in my presence, that they had been informed by Sitta Matto, Chamon Roy, Runjet Sing, that Motty Roy had been taken to the factory by some peons, and while he was there, the dewan, named Nowrougheelaul, represented to Mr. Turner that Motty Roy was a great hurramzaddah, and unless he was punished, he will not sow indigo; whereupon Mr. Turner beat Motty Roy with his fist, and he kicked him; and then Mr. Turner ordered him to be put into the stocks, which was accordingly done by Bhobany Roy, Mr. Turner's peon; where Motty Roy, in a palar, expired. After the thannadar had closed his investigation, I requested of him to suffer me to have the corpse burnt, which was accordingly granted, and he allowed a chuprassey to go with us. We took the corpse to the bank of the river, and burnt it according to our customs. After the corpse had been burnt, I requested of the thannadar to send his report to the hazoor or presence. He seemed to delay this very much, and threw obstacles in the way, by telling me to bring witnesses. On the fifth day the thannadar went away without making any report to the presence. On the same day, Mr. Turner offered to my younger brother, named Amrow, two hundred rupees to make a sraud in commemoration of my deceased father. He further offered to return a bond of six rupees, which sum my father had received from him in advance for indigo; and likewise the agreement, which my father had entered into with him. This proposal was also made to my brother, by Nowroughee Loll, and Daby Persaud Malick. My brother, in order to obtain his liberty, as he had been ever since detained in the Factory, accepted of the two hundred rupees, and took the bond and agreement, which were put into his hand by Nowrughee Laul, Mr. Turner's dewan. At this time there were present, Ramdial Roy, Sobhaub Roy, and Soobron Roy; this was done in a godown. Having obtained our liberty, we went to our houses, and there I performed the sraud, and then proceeded to Moozopherpore, and made a complaint against Mr. Turner, Nowroughee Laul, and the three peons who had seized and carried away my father. The magistrate heard my complaint, and my witnesses; the three peons did not attend before the magistrate, but Mr. Turner and Nowroughee Laul attended. As the magistrate delayed the investigation very long, and as I saw no probability of its being soon brought

No. 5. Further Extracts from Bengal Judicial Cons. 20 July 1810:—Offences committed in the interior of the Country.

to an issue, I presented a petition to the Court of Appeal, whereupon the proceedings held before the magistrate were sent for, and after a perusal of the whole, we were directed to be sent down to Calcutta.

The mark of
⋈
Fawucul Roy.

Sworn this day and year before written, before me,
(Signed) *C. F. Martin*, Magistrate.

(A true copy.)
(Signed) *A. H. Smith*, Head Clerk.

No. 6.

The Information and Deposition of Ramdial Roy, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the Town of Calcutta, at Fort William in Bengal, the 17th day of November 1809; who, on his oath, saith; I am a native of Boosaree in Sooba Bahaur, a farmer, and of the Bramin cast. On the 12th or 13th of Assaur last, answering to the 24th or 25th of June, on a Sunday early in the morning, Bhobany Roy Hircara, Mosahib Merdha Hircara, and Bhecrary Roy, zilladaur (a person that superintends the sowing of indigo seed) belonging to Mr. Turner; the prisoner here present, came and seized me, and conducted me to the indigo factory of Mr. Turner, situated at Soonnee, in the province of Behar. Those persons also seized Motty Roy and Roop Sing, and they were conducted to the aforesaid factory. When we reached the factory, one pahor, or three hours English, of the day was remaining, and Mr. Turner came home about the time we reached the factory; he was in boots, and after dusting them, he went into the house. We were taken near the house, and Mr. Turner asked Nowronghee Laul, who is his dewan, if Tilluck Roy was come? Nowronghee Laul said no: but Motty Roy is brought. Mr. Turner seeing him, asked the reason of his not sowing indigo: Motty Roy answered, "Khodabund; I have sowed three times, but the "soil being moist, the whole has not come up; if you will give me more seed, I will sow "again." Whereupon, Nowronghee Laul said to Mr. Turner, "Sir, he is a great kur-"ramzadah, and unless you punish him he will not sow the seed." Mr. Turner then repeated again what he had expressed before to Motty Roy, and received nearly the same answer as before. Mr. Turner, who was at this time at the distance of about two paces from the deceased, went up to him and gave him four blows with his clenched fists about the cheeks; then immediately gave the deceased two kicks with his foot, one of which struck on the hind part of his right thigh, and the other kick or blow struck him on the belly below the navel; Mr. Turner after this, gave the deceased a slap on the face, which knocked his turban on one side; Mr. Turner then laid hold of him by the throat and pushed him away, and ordered him to be put into the stocks; whereupon Bhobany Roy Hircara took Motty Roy, Roop Sing, and me, near the vat-house, where Bhobany and Peary Laul brought the stocks there, and were proceeding to put our legs into it, when I requested of them not to put Motty Roy into the stocks, as he had been beat. They abused me, and said, if Mr. Turner had heard my words he would take the skin off my back. I saw that the stocks were covered with ants; I told them that the ants would torment us to death; upon which they brushed the stocks, and put our legs into it. Motty Roy was put in the middle; I and Roop Sing on each side of him. When we were put into the stocks, half a pahur, or about an hour and a half of the day was remaining. At half a pahur of the night, Motty Roy complained of a great pain in his belly, pointing to his navel, and he seemed to be so from his movements; whereupon I cried for people to come to the place of our confinement, when I requested him to take Motty Roy out of the stocks; he said he could not do so, without the gentleman's order, meaning Mr. Turner. Ouddon called out to Purlaud, another chokeydar; he came to the place, and remained there; Ouddon then called out for Peeary Laul. Peeary Laul came, and opened the stocks, which was fastened with a padlock and key, and released us. I and Roop Sing helped to lift up the deceased; he could neither walk or stand: we laid him on the ground; he never uttered a word afterwards, but continued to keep his hands upon his belly. While the deceased lay in this situation, a mussulman, whose name I don't know, came to the spot and gave out, that the deceased had been bitten by a snake, and he began to mutter something to remove the poison. While we continued in the stocks, and after we were released, I saw no snake approach us, nor did the deceased complain of having been bit by one; all I observed was, a swelling from the right wrist to the end of the fingers; at one pahor in the night, Motty Roy expired, at the place where we had laid him down. Joud-dowal how Kedar and Roop Sing remained by the corpse the whole night. In the following morning Roop Sing went away; at noon on that day, two chuprassees of the krannah came into the factory and examined the corpse; one of them went away, and the other remained by it. In the afternoon of the same day, Omrow Roy, one of the sons of the deceased, and Domon Roy, Sahaub Roy, Dhooroop Roy, Roop Sing Roy, Poloute Moheto, Tobocole Roy, and Chironjee Roy, relations of the deceased, came to the factory and wished to take away the corpse; the thannadar's chuprassy said, that he could not let it be removed until the thannadar had taken a view of the body. As the corpse was getting putrid, the chuprassy at last consented to its being taken away; we accordingly put the corpse on a bamboo tatty, and was taking it towards the thannah, when we met the thannadar in the way; Omroo, the deceased's son, made his complaint to the thannadar. The thannadar desired us to return back to the factory, as he was proceeding thither to make enquiry; Omroo represented to the thannadar, that the corpse was getting putrid, and heavy; and besides, every one that accompanied the corpse was much fatigued and exhausted. The night advancing, the

chuprassy

chuprassy took us to a village, where we laid the corpse and rested a little; one pahor of the night remaining, we proceeded back with the corpse to the factory, and saw the thannadar there. The thannadar, after he had made his enquiry, ordered the corpse to be burnt. In the afternoon Omroo went to burn the corpse; I and Girdhary were detained at the factory; Tawacul was not then present; he went away before the thannadar came to the factory. Omroo came back into the factory, after having burnt his father's corpse. About five or six days after, Nowronghee Laul, the dewan, requested of Girdhary, uncle of the deceased, and Omroo the son, to give a razunama, or release, to the gentleman, meaning the prisoner. After this conversation had passed, Nowronghee Laul, Daby Persaud, and Bany Roy went into Mr. Turner's bungalow; Girdhary and Omroo followed, but remained on the outside of the bungalow; shortly after, Bany Roy and the other two persons came out; Bany Roy went up to the place where Omroo and Girdhary were, with two hundred rupees in his cloth, while the other two persons remained within the bungalow. Bany Roy counted out the money in my presence, and gave it to Omroo; Omroo took the money and gave it to me, and I afterwards returned it to him; we then proceeded to our respective houses. I cannot say, whether Towacul, the prosecutor, partook of any part of these two hundred rupees.

The mark of

Sworn the day and year before written, before me, ✕

(Signed) *Chas. F. Martyn*, Magistrate. *Ramdial Roy.*

(A true copy.)

(Signed) *A. H. Smith*, Head Clerk.

The Information and Deposition of Samuel Dugdile, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the Town of Calcutta, at Fort William in Bengal, the seventeenth day of November 1809; who, on his oath, saith; I am fourth officer on board the honourable Company's ship the Retreat; I have known Mr. John Lathbury Turner, the person now present, from his infancy; we were at school together at Exeter, in Devonshire; he is a native of that place, as well as myself, and our parents reside in that city.

(Signed) *Samuel Dugdile.*

Sworn the day and year first above written, before me,

(Signed) *Charles F. Martyn*, Magistrate.

(A true copy.)

(Signed) *A. H. Smith*, Head Clerk.

The Information and Deposition of Seeta Mahotto, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the Town of Calcutta, at Fort William in Bengal, the seventeenth day of November 1809; who, on his oath, saith; I am a peasant, and cultivate indigo, rice, &c. and reside at Munjhour, in pergunnah Bhoosaree, in Zillah Tirhoot. On the 13th Assaur, corresponding to the 25th June last, while I was at the factory of Mr. Turner, at Soosnee Gau in Tirhoot, making a bargain with his jamadar poorun for renting a field of mangoe trees, a burkundauge came and took the deceased Motty Roy, together with Ramdial and another person, who were standing near to where I was, and carried them to Mr. Turner's bungalow. I was standing about seven paces distant, and could hear Mr. Turner say to them, "why did you not sow the indigo," Motty Roy answered, he had sown, but that the seed had not come up; Mr. Turner said, "you are only spoiling my seed," and immediately struck him two blows with his clenched fist upon the cheeks, upon which Mooty Roy stooped, and his turban fell off. I did not see any other blows given; Mr. Turner then ordered the burkundauge to take Motty Roy, Ramdial, and the third person to the vat-house, which is about the distance of 2 biggahs or 100 yards. I did not hear Mr. Turner give any order to put them into the stocks, and I did not go to the vat-house, and do not know what happened there. They were sent to the vat-house about 24 minutes before sun-set, and about 1 pahor, or 3 hours after sun-set, an alarm was given by the people of the vat-house, that Mooty Roy had been bitten by a snake, and heard the noise from Poorun's house, which is about 100 yards distant; I went to cook my victuals there on account of night coming on, my house being about 3 coss, or six miles, distant; I saw the corpse of Mooty Roy next morning, covered up with a sheet, lying outside of the vat-house, but I did not examine it, and do not know whether there were any marks on it, or not; I went home on the morning that I saw the corpse of Motty Roy, and know not whether Mr. Turner gave any money to any person, or not; and I know nothing further.

The mark of

Sworn the day and year first above written, before me, ✕

(Signed) *Charles F. Martyn*, Magistrate. *Seeta Mahotto.*

(A true copy)

(Signed) *A. H. Smith*, Head Clerk.

The Information and Deposition of George Philpott, Esq. taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the Town of Calcutta,

No. 5. Further Extracts from Bengal Judicial Cons. 20 July 1810:— Offences committed in the interior of the Country.

Calcutta, at Fort William in Bengal, the fifteenth day of May 1810, when on his oath, saith; I am an assistant surgeon in the service of the United Company of Merchants trading to the East Indies; I am a relation of Mr. John Lathbury Turner, and have known him for a long time; he was lately a superintendent of some indigo works belonging to Mr. John Kelso, in Tirhoot. Mr. Turner is an Englishman, and from Exeter, in the County of Devon.

(Signed) *George Phillott.*

Sworn the day and year first above written, before me,

(Signed) *Charles F. Martyn,* Magistrate.

(A true copy.)

(Signed) *A. H. Smith,* Head Clerk.

No. 10.

The Information and Deposition of Roop Sing, taken upon oath before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the Town of Calcutta, at Fort William in Bengal, the thirtieth day of May 1810, who, on his oath, saith; I am a cultivator, and an inhabitant of Hoorjinna in Zillah Tirhoot, in the province of Behar; I knew Motty Roy, he is now dead; he was malik (proprietor) of village Moozuomabad, and I am malik of village Gunnespoor, which is adjoining the above Zillah Tirhoot. On Saturday about the twelfth or thirteenth of last Aussaur (June) two peons, Bhobany Roy and Mosaheb, and one Zillahda named Bhilkdhary, came from Mr. Turner, who is now in imprisonment, to Mouzomabad, staid there that night, and in the morning following seized Motty Roy, and Ramdyal Roy, and me, and took us all three to Mr. Turner's indigo factory at Soosownee, which is six coss distant from Gunnespore. When above one pahor of the day was remaining, Mr. Turner returned to the factory; whereupon the aforesaid peons, and Zilladar, took us before Mr. Turner. He asked Nowranghee Laul, his dewan, who was present also, whether Tilluk Roy, malik of Dhurmpore, had come; Nowranghee Laul said he was not; but that Motty Roy, the malik of Mouzoomabad, meaning the deceased, was come, and pointed Motty Roy out to Mr. Turner; whereupon Mr. Turner asked Motty Roy, whether he had sowed indigo seed or not? Motty Roy replied, that he had sowed twice, that a part had come up, and requested to be furnished with seed for the remainder of his lands; upon this, Nowranghee Laul said to Mr. Turner, that Motty Roy, the deceased, was a "lewrra haramzada," and told Mr. Turner to punish him; whereupon Mr. Turner struck him four blows with his fist, two on each side of his cheek, and also struck him a slap, and gave him two kicks, one about his navel, and the other on his right thigh. He then shoved him down from the room, which was about waist high from the ground. Mr. Turner then ordered all of us three to be put into the stocks, and we were all accordingly put in the stocks, near an indigo vat; Motty Roy was brought to the stocks, held up by Mr. Turner's peons; and no sooner he reached the place, than he fell down, and remained so from the pain in his belly, occasioned by the kick he had received. He applied his hand to his belly, and appeared restless from pain. When it was about half a pahor of the night, Motty Roy addressed me, and said, "I shall not live; disengage me from the stocks, the pain of my belly is excessive." Upon this, I asked Oodun Chokedar, who was placed to watch us, and told him that Motty Roy was in great pain, and requested that he might be set free. A short time after this, we were all three let out of the stocks, at which time Motty Roy was on the point of expiring, and a mussulman, whose name I do not know, and who belonged to the factory, said that Motty Roy was bit by a snake, and directed that he might be brought to him, and that he would use some spells to cure him; spells were used over Motty Roy, but all in vain; Motty Roy died. When Motty Roy desired me to disengage him from the stocks, I asked him what pain he felt, and whereabout the pain was situated; and, as the place was much infested with snakes, whether he was bit by a snake; he said, he was not; but that the pain in his belly was all that ailed him.

The mark of ✕ *Roop Sing.*

Sworn the day and year first written, before me,

(Signed) *C. F. Martyn,* Magistrate.

(A true copy)

(Signed) *A. H. Smith,* Head Clerk.

No. 11.

The Information and Deposition of Rungit Sing, taken, upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the town of Calcutta, in Fort William, in Bengal, the thirteenth day of May 1810; who, on his oath, saith; I am a native of Munjhowl, in pergunnah Bhoosaree, in Behar. I knew Motty Roy; he is now dead. On a Sunday, in the month of Assaur last (June) I went to Mr. Turner's factory, which is in Sosowny, in Zillah Tirhoot, about three coss from my village, for the restoration of a calf belonging to me, which was detained in the factory. The jemaddar of the factory, Poorun Sing, told me, that the calf would be restored to me the next day, and I was accordingly coming away; when, in my way back, I saw Roop Sing, who is now here present, and Motty Roy, the deceased, and Ramdyal Roy, who is also here, all three in the stocks, in Mr. Turner's factory. I did not speak to them a word, but went my way. I came to the jemaddar, Poorun Sing's lodging, where, at about one pahar of the night, some servants belonging to the indigo factory came and said, that Motty Roy had

been

been bit by a snake. I went to see Motty Roy, and others went also; when I came to the spot, I saw Motty Roy expiring. Ramdyal Roy was supporting him on his breast; and a mussulman, whom I do not know, repeated some spells and prayers; but he did not live. I did not examine the body. Roop Sing, one of the three that were in the stocks, said, at the time, "he has been murdered," (mar dala hey).

The mark of

Sworn the day and year first above written, before me, ⋈

(Signed) *Cha. F. Martyn*, Magistrate. *Runjit Sing.*

(A true copy.)

(Signed) *A. H. Smith*, Head Clerk.

No. 12.

The Information and Deposition of Chhamun Mahots, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the town of Calcutta, at Fort William in Bengal, the thirtieth day of May 1810; who, on his oath, saith; I am a native of Munjhowl, in Zillah Tirhoot, in the province of Behar. On a Sunday, in the last Aussaur (English date, June) whereabout twelve or thirteen days in the month had passed, I went to Mr. Turner's factory in Soosawnee, in Zillah Tarhoot, in Behar, for the purpose of effecting a settlement in respect of mangoes, which grew in my village, and of which Mr. Turner was thircadar. I continued there for some time after my business was over. Bhobany Sing and Beckdarry Sing, two peons in the service of Mr. Turner, brought Motty Roy, the deceased, Roop Sing and Ramdyal Roy, to Mr. Turner; when about half a pahor of the day was remaining, Mr. Turner asked Motty Roy, why he did not sow indigo? Motty Roy replied, that he had sowed indigo, but that it had not come up; and requested to be furnished with indigo seed again. Bhikdharry said to Mr. Turner, that Motty Roy was a "(dagabaz)" rogue; and that if he were not punished, he would not plant indigo. Whereupon Mr. Turner struck Motty Roy two blows with his fist, which he parried with his hand. Mr. Turner then struck him four blows, two on each side of the cheek; and gave him two kicks with his boots, one on his right hip, and one on the belly. Motty Roy fell down; whereupon Mr. Turner ordered, that he should be put into the stocks; and Bheckdarry and Bhobany Sing, took him away to put him into the stocks. About a ghunee after this, when I was going to Poorun Sing, the jamadar's lodging, I saw Roopsing Ramdyal, and Motty Roy the deceased, in the stocks. At about one pahor of the night, while I was in the lodgings of Poorun Sing, jemadar, I heard that Motty Roy had died from the bite of a snake. I did not go out till the next morning, when I saw the dead body in Mr. Turner's factory, laying covered with a cloth. I did not examine the body.

The mark of

Sworn the day and year before written, before me, ⋈

(Signed) *Cha. F. Martyn*, Magistrate. *Chhumun Mahots.*

(A true copy.)

(Signed) *A. H. Smith*, Head Clerk.

No. 13.

The examination of John Lathbury Turner, taken before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the town of Calcutta, and factory of Fort William in Bengal, the eighteenth day of November 1809.

The said examinant, being charged on the oaths of Towakul Roy and Ramdial Roy, with the wilful murder of Motty Roy, late of Mouzah Hoorjeenah, in the province of Behar; and the said examinant, being duly interrogated, says, I am not guilty of the above stated charge.

(Signed) *John Lathbury Turner.*

Taken, the day and year above written, before me,

(Signed) *Cha. F. Martyn*, Magistrate.

(A true copy.)

(Signed) *A. H. Smith*, Head Clerk.

DEPOSITIONS in the Case of Mr. DOUGLAS.

No. 14.

THE Information and Deposition of Thomas Clark, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the town of Calcutta, at Fort William in Bengal, the fourth day of December 1809; who, on his oath, saith; I was employed by Mr. Mathew Moran in April 1808, to go and erect a set of indigo works at Mootiharry, in the district of Chupra, on ground belonging to Mr. Moran, which was purchased by him, and the sale sanctioned by the Board of Revenue. I arrived at Mootehary on the 2d May 1808, and was daily prevented by a number of people, said to belong to Mr. Douglas and Motrum Khawn, from taking water from the nulla. In consequence of which, I waited upon Mr. Douglas; who told me, that he did not prevent me from taking water, but that Motrain Khawn would prevent Mr. Moran's people from taking any water, as they had no right to it; and that he,

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Mr. Douglas, had sent him one hundred hircarrahs, and would send him four or five hundred more, for the purpose of preventing them from taking water; observing to me at the same time, that he thought I and my family were in great danger by residing there. That in case of any violent affray happening, in which any lives were lost, and which he thought very likely would be the case, that I would be sent out of the country, and then he would provide for my wife and family. Mr. Douglas called at my tent a few days afterwards, when nearly the same conversation took place before my wife. He wished very much, that I would alter the day on which a market was held on Mr. Moran's land, to which I partly consented; but, thinking afterwards, that it would not be proper for me to do so without Mr. Moran's consent, I wrote to Mr. Douglas, that I could not comply with his request, without previously obtaining the permission of Mr. Moran. In answer to this, Mr. Douglas wrote to me, saying, "Sir, you had promised to alter the day of your market, but since you "have changed your mind, I have recalled my people from Mootaharry, and shall prevent "as much as is in my power your establishing a market, or taking water from the nulla." This letter is in the possession of my attorney, Mr. Tylor. Matters remained in this perplexing state, while a great number of armed men, by day and night, paraded at the nullah, on Mr. Moran's ground, preventing my people from taking water. They drove them from the nullah and beat them with sticks; so that in fact, the progress of the building of a factory, for many days was wholly put a stop to for want of water. In consequence of this, I was obliged to commence sinking wells, and as often as I opened them, the same armed persons who obstructed me from taking water at the nulla, came on Mr. Moran's premises, beat away my people, and forcibly filled up the wells. The operations of those armed men had been hitherto confined to obstructing my going on with the buildings; but on the 4th of June 1808, between the hours of three or four in the afternoon, after I had retired from the works to my bungalow, a great number of persons, from seven hundred to a thousand, as I supposed, came armed with swords, sticks, and other weapons, suddenly surrounded my bungalow, and a number of them rushed in. I was then upon a couch. They did not give me an opportunity of asking what they wanted with me, but proceeded to beat me with large bamboos, which cut me upon the right eyebrow in two places, and in several other places of the head. I became senseless from the injury I received; and when I recovered, I found myself lying under a tree about 40 or 50 yards from the bungalow; but how I came there I do not know. I saw the munshee khana, in which the native writers belonging to the factory reside, eat, drink, and sleep, and the granary in which the grain, indigo seed, and other stores of the factory are kept, and all the huts on the premises of Mr. Moran, were on fire; but I do not know who set fire to them. The moonseekhana and granary containing several hundred maunds of different sorts of grain, all the huts and outbuildings were burnt to the ground, and the fire continued for several days. My bungalow was plundered of plate, furniture, wearing apparel, and other articles. They hacked the bungalow with their tulwars, broke my palakeen, carried off my tent, horse, and dogs. The horse and dogs were let loose, but every thing else was carried to Mr. Douglas's factory.

Sworn, the day and year first above written, before me,

(Signed) *C. F. Martyn*, Magistrate.

(A true copy.)

(Signed) *A. H. Smith*, Head Clerk.

No. 15. The Information and Deposition of Mrs. Elizabeth Clark, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justice of the Peace, in and for the town of Calcutta, at Fort William in Bengal, the 5th day of December 1809; who, on her oath, saith; My husband, Mr. Clark, was deputed by Mr. Moran in the month of May 1808, to superintend the building of a set of indigo works, situated at Mootiary, in the district of Chuprah. The work was delayed in consequence of the workmen being constantly interrupted by persons said to belong to Mr. Robert Scott Douglas and Mottram Khawn, the latter of whom is holder of some ground contiguous to Mr. Moran's land. In consequence of those interruptions, Mr. Clark went to Mr. Douglas, to state to him the loss and injury which Mr. Moran was suffering from the unwarrantable interference of his servants; and another object he had in view, was to endeavour to make up the differences between them. This attempt, as I understood from my husband, did not succeed. Mr. Douglas and Mr. Clark had afterwards a conference in our tent at Mooteary, at which I was present. Mr. Douglas came, accompanied with a great number of persons. They were not of that description of people who are the usual attendants of one person paying a visit to another. Many of them were equipped with tolwars and other weapons, and in number and appearance seemed an armed force brought thither to intimidate. In the course of the conversation, Mr. Douglas endeavoured to persuade Mr. Clark to change the market day to that of another, which he declined to do, but having, in the course of conversation, plainly given Mr. Clark to understand, that his wife and child would incur danger by continuing to reside at Mooteary, and that he did not know what steps Mottram Khawn might take to prevent Mr. Moran building his works on land to which he had no right, for if a contest should arise, and any lives were lost, Mr. Clark would most likely be sent out of the country. Mr. Clark did, in consequence, partly acquiesce in changing the market day. Mr. Douglas went away; Mr. Clark, on further consideration, did not think himself authorized to change the market-day without the sanction of Mr. Moran, and he wrote to Mr. Douglas a letter to this purport. The answer returned was of a threatening nature, and Mr. Clark was therein required not to take water from the nullah, or cut reeds from the lake, which were stated to be the exclusive property of Mottram

Mottram Khawn, who would do all in his power to prevent Mr. Clark from appropriating either water or reeds to the buildings of Mr. Moran or to his own private use. To obviate those frequent inconveniences, and to avoid as much as possible all disputes, Mr. Clark commenced the sinking of a well; here also he met with every opposition from a number of persons belonging to Mr. Douglas, who, when the well was opened, forcibly came to the place and filled it up. Matters continued in this state until Saturday the 4th of June 1808. Mr. Clark had on that day returned from the works between three or four o'clock in the afternoon, and had gone to lay down on his cot; at this time I was walking with my child in the shade of some trees near the bungalow; I suddenly heard a great noise from the opposite tope, which I at first thought to be the celebration of some holyday by the natives; but on seeing a great number of persons come out of the tope armed with swords, sticks, and other weapons, and approaching the place where I was, I became very much alarmed and ran into the house; I immediately called out to Mr. Clark, that the people were coming, and had scarce time to say more, and got into my room, when the armed multitude surrounded the house, and some of them rushed in and began to beat Mr. Clark; I shut my door, and concealed myself under my cot, and from thence I observed some of the armed men enter my room, tore away the curtains of the cot, took away all the property which was in the room, and destroyed what they could not carry off. My female servant concealed my child behind a large water-jar which stood in the verandah, close to the window of my room. Some of those in the house began to beat my female servant, when others said, "do not beat the woman." This gave me a little courage, and supposing that they would not injure me, I attempted to come out of my room, to go to Mr. Clark, whom I had seen from the window, that the people were using ill at the outside of the house; just as I had opened the door, an hircarrah, named Dirgapaul Roy, belonging to Mr. Douglas, and whom I had noticed when his master came to see Mr. Clark, advanced up towards me with a tulwar, and was about to strike me; a sepoy, dressed in uniform, and whom I had also seen in the retinue of Mr. Douglas, stayed him from striking me, saying, "it was Mr. Douglas's order to "refrain from offering any violence to the babee or child, but to aardallo, or beat "Mrs. Clark, and all people about the place." Mr. Clark was laying about 15 or 20 yards from the bungalow covered with blood; I retired into my room; from the window, I observed the granary, the moonshee khannah, the godowns, and all the huts on fire; who set fire to them I do not know. Previous to the rioters quitting the bungalow, some of them called out to set fire to it; while others said, "no, no, do not set fire to this house, the babee is inside of it;" when they had done all the injury they would, they came up to me, and told me "to make myself easy, as they had killed Mr. Clark, and would not molest me." They then took their departure. Some of our servants, who had made their escape during the committing of the outrages, returned to the house, bringing Mr. Clark with them. He was wounded in several places about the head, bruised all over the body, and covered with blood, as will appear by the cloaths which he wore at the time, and which I still have by me, in the same state they were when he shifted them. When the confusion was over, we discovered that the rioters had carried off all the articles belonging to the factory as well as to the workmen. In the bungalow, they destroyed almost every thing, plundered us of our little plate, broke open several chests, one of which contained some dozens of china-ware, which they smashed to pieces, robbed my female servants of all their toys or ornaments, and even carried away the bedding, palampore, and the pillows of my child. Nothing escaped them, and what they could not carry off, they destroyed upon the spot. The havoc they occasioned, left us so destitute, that we had not a chair to sit down upon, nor in the kitchen a single utensil to dress our food. To the best of my knowledge, one of the prisoners, Pahar Sing, now shewn to me, was among the persons who committed these acts. The other two prisoners I cannot so well speak to, from the consternation and confusion I was in at the time. My cook was so severely beaten, that he constantly complained of the pains he felt, and he died in about two months afterwards.

Sworn the day and year first above written, before me: *E. Clark.*
(Signed) *C. F. Martyn*, Magistrate.

(A true copy.)
(Signed) *A. H. Smith*, Head Clerk.

No. 16.

The Information and Deposition of Mobaruck Hussain, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the Town of Calcutta, at Fort William in Bengal, the fifth day of December 1809; who, on his oath saith; I am a servant at present out of employment; but in the month of June 1808, I was in the service of Ally Muzzuffer Khawn, as a tassildar or collector. I lived at the Bowbanypore garden, to the east of Mr. Clark's bungalow, and distant from it about fifty yards. It was on the forty bigahs of land granted by Cazee Assam Khawn to Mr. Moran. I lived in a straw hut thereon, which Mr. Clarke gave me the means of building. There were other straw buildings on the same land. There was also a bungalow, granary, vats, moonshee khanna, botique shops, and bricklayers houses. I eat, drank, and slept in the hut erected for me. None of my family resided with me, there was only a peon. I recollect an affray on the first of last June, on their land. On that day, Mr. Clarke had ordered his people to cut some reeds from the Jeel adjoining the forty begahs, and within that part borders on the Jeel. They were in the act of cutting the reeds, when Dirgassal Sing, Gunga Sing, Sreekissen Sing, Pahar Tacoor, and other men, armed with sticks, came and ordered Clarke's people to desist. I was on the banks of the Jeel at the time. Clarke's people said,

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said, they were not cutting reeds on any other person's land but their own. Whereupon some of those in company with Gungah Sing, Sreekissen Sing, and Pahar Tacoor, went into the Jeel, laid hold of Clarke's people, and drove them out of the water, beating them all the way. Meer Phakoo, a peon of Mr. Clarke's, seeing what was going on, went and informed his master, who called Munnoo Tewarry, and he was ordered to repair to the spot with his men, to prevent Clarke's people from being beat, and to tell Douglas's party that the reeds which had been cut down were within Moran's boundary, and it was very wrong to bring on a dispute. Munnoo Tewarry did so; an altercation took place between both parties; from words they proceeded to blows, and after having fought with each other some time with their fists (neither party using their sticks) they parted and went away. I cannot say which side prevailed. They parted as if by consent, but at parting, Gungah Sing said, it was his master's orders to look out for such a beginning as had occurred, and told Clarke's party to take care of the consequences that might follow. In the scuffle some of Mr. Douglas's people might have been hurt, but not considerably, as neither party fought with sticks or swords. Munnoo Tewarry was Mr. Morand's superintendent of the factory; and his people were thus employed under him for the purpose of the business of the factory. On the 2d of June Gungah Sing, and Drogapall Sing, came within the forty begahs, accompanied with about thirty-five men, cut down a mangoe tree close to Clarke's bungalow, and took it away. No resistance was made on the part of Clarke; but some of his people called out "dhwy, dhwy," and desiring Gungah Sing not to cut down the tree, Gungah Sing and Durgopall Sing said, as you went to cut the reeds, so are we come to cut down the tree. While they were taking the tree away they came to a well, which had been dug on the banks of the Jeel, and filled it up, and then went away. On the 4th of June, in the morning, about three gurries after sun-rise, three hundred men, or thereabouts, came in a tumultuous manner, and stood before the bungalow of Mr. Clarke. On this, all the people employed in the factory came to the bungalow, to see why so many persons were assembled. Futty Ally Jemadar, and others belonging to Mr. Clarke, asked the cause of their assembling; but no answer was given. I saw four or five of the rioters come out of the crowd and perform pojah, and having done so, went away without saying any thing. Mr. and Mrs. Clarke were then in the bungalow, and saw what was going on. They did not say any thing to the rioters. The rioters were about the distance of a begah from the bungalow. In the afternoon, three gurries of the day remaining, I was in my house, and two persons came running to me, saying, there was a great mob coming from Mootyary. On hearing this, I looked out, and saw on the bank a few persons, and all of a sudden about six hundred men came out of the Jeel, and stood on the bank, and then went to the same place where they had performed poojah in the morning. I knew some of them; there were among them Gungah Sing, Durgopall Sing, Soobha Tacoor, Pahar Tacoor, Haytoo Khawn, Kullo Khawn, Meer Ahmud Ally, Burson Roy, and Summarum Sing; on their coming to this place, Futty Ally jemadar, and Onoop chokidar, came out of Clarke's bungalow, and called out "dhwy company, dhwy judge saile," and addressed the rioters, saying, why are you assembled here. You came here in the morning, what are you again come for? The rioters gave no answer at first. Some brandished their swords, spears, and sticks, and some were leaping. A little after, Durgapall called out to Futty Ally and Onoop, to hold their tongues, as it was their master's order to spare Mrs. Clarke and child, and to beat that banchute Clarke, and his people, and drive them out. Whereupon Durgapall and Bursun Roy came out of the crowd, and Bursun Roy struck Onoop with a stick, and Durgapall made a blow at Futty Ally also with a stick, but it missed him, and he ran away. Immediately Durgapall Sing, Sreekissen Sing, Pahar Tacoor, Haytoo Khawn, and others, in all ten or fifteen, went into the bungalow, and the rest remained outside, destroying things in the verandah; others were employed in pulling a tent down which stood near the bungalow. I don't know what was doing in the bungalow. I saw Mr. Clarke run out bareheaded, and wounded, and the blood running down; the rioters followed him, beating him with sticks. Mr. Clarke said twice, "dustoor, "dustoor," and then fell down. He raised himself a little, and the rioters repeated their blows till he fell again; he again attempted to rise, and was beat down again, and laid senseless at the foot of a tree. I then went a short distance from the bungalow. Futty Boubut, Clarke's chokidar, who had been absent, returned, and called out "dhwy," on which four of the rioters ran up to him, and one of them cut him with a sword on the right side, and part of the belly; who cut him, I don't know; Futty fell down wounded. The rioters then proceeded towards the vats where the bricklayers were working. The bricklayers, on seeing them, ran away, and the rioters took up the things belonging to the bricklayers. They and others proceeded on to the moonshee khonna; I saw five or seven go in; they were peons, I don't know their names; they took out pots and other things from thence. In the moonshee konnah there was some indigo seed, and Durgapall Sing and Gunga Sing bring fire from opposite, to the shop of Samcbah Saho, a moody, on the forty begahs of land adjoining the moonshee khonna. They gathered some dry grass, put the fire on it, blew it into a flame, and then placed it against the thatch of the moonshee khonna, which took fire, and burnt it to the ground. While the moonshee khonna was burning, one of the rioters, whose name I don't know, took from thence some of the burning straw, and carried it, and set fire to the granary, which was also burnt to the ground. The fire continued to burn for two or three days. My hut was not burnt, only the moonshee konnah and the granary. I did not hear Sreekissen Sing, Summurun Sing, Pahar Tacoor, or Soobhao Tacoor, give orders to burn these places. They were present, while it was burning. Then some of the rioters brought two hackeries to the moonshee konnah, and loaded them, and another which was standing by, with straw belonging to the factory, and

set

set them on fire, and burnt the whole. The rioters then went to the bezar, plundered the moody and poddair. They returned again to the bungalow, and some of them went in and brought out different articles of furniture, and took them away. The tent was taken away. Munnoo Tavarry, and other mutsuddies, inhabited the moonshee konnah, eat, drank, and slept there.

Sworn the day and year first above written, before me,

(Signed) *C. F. Martyn*, Magistrate.

(A true copy.)

(Signed) *A. H. Smith*, Head Clerk.

No. 17. Deposition of Sadho Ram, 5th December.

The Information and Deposition of Sadho Ram, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the Town of Calcutta, at Fort William in Bengal, the fifth day of December 1809; who, on his oath, saith; I am at present out of employment; but was formerly a mutsuddy, or writer, in the service of Mr. Douglas, who is an indigo manufacturer at Pepra, in zillah Sarun, in the district of Soubah Behar. Mr. Douglas entertains a number of men in his service, of different descriptions. While I lived with him, he had also armed men, who were ready to fight, or to do any thing else that they were ordered. Among those armed men, he kept in his pay or service, Summarun Sing, jemuldar, Soobhao Tacoor, sepoy, Srie Kessen, jemuldar, and Puhar Tacoor, jemuldar. Those four persons acted under the orders of Mr. Douglas. He dispatched them to Mootyary, and desired me to follow them in four days afterwards. While I was at Mootyary, I, as well as the four above-named armed men, received letters from Mr. Douglas, that in the event of Mr. Clarke's people making any movement, we were not to spare them, but to turn them out of possession of the factory. That letter is not with me, but is deposited in the Supreme Court.

Sworn the day and year first above written, before me,

(Signed) *Chas. F. Martyn*, Magistrate.

(A true copy.)

(Signed) *A. H. Smith*, Head Clerk.

No. 18.

The Information and Deposition of Sunt Lall, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the Town of Calcutta, at Fort William in Bengal, the fifth day of December 1809; who, on his oath, saith; I was formerly employed by Mr. Robert Scott Douglas, and kept the hackeray account, at the factory at Pipra. On the 3d of June 1808, while I was at Pakeree Ossoke, I received a letter from Cherunjeebeg Lall, instructing me to provide 100 or 200 armed picked men, but for what purpose I do not know, and send them to him to the factory at Pipra; and to send them along with Bodekissen, who was the sezawal, and to whom I was a writer. On receiving the letter and reading it, I asked the person who brought it, whose name I do not know, but who is a rajpoot, for what reason Bodekissen had been sent for. He replied, that Sadhooram, who was a tussuldar at Mootyary, on behalf of Mr. Douglas, to leave the business, that he might not be involved in a quarrel that was existing between gentlemen, meaning Mr. Douglas and Mr. Clarke. In consequence of the orders which the letter contained, I took a horse and rode round to all the villages under the sezawal, and desired every body who wanted employment to repair to Moonshee Cherunjuvee Lall, at the factory at Pipra; eight or nine men accordingly went from Bukhree, and four or five persons from Bissumberpore. I do not know whether any person went from any of the other villages or not; on Sunday, in the morning, I went to Pipra, where Bhola Tewarry, a hircarra, belonging to Mr. Douglas, arrived on horseback from Mootyary. He said to me outside of the bungalow, before we had seen Mr. Douglas, We have obtained a victory; Mr. Clarke is wounded (zikiem.) I asked Bhola if he had seen Sadhoram, who was there? he informed me, that Sadhoram had gone to his own house at Surgeca on Friday the 2d; Bhola then went into the bungalow, and I was following him, when I was stopped by Mr. Douglas's chubdar, who said his master had given order not to admit any person while Bhola was inside; I told him I was a servant, and entered into the room, upon which Mr. Douglas said, why do you come so often here; go and attend to your business? I made my salam, and went away. I did not hear any conversation between Bhola and Mr. Douglas; I again went to the factory on the 7th or 8th, and I saw Cherunjuvee Lall receive 600 rupees from Mr. Douglas, and pay it to the armed men who had returned from Mootyary. They were paid up to the 7th of June, and the servants of the Pipra factory, who had gone to Mootyary to fight, received double wages.

Sworn the day and year first above written, before me,

(Signed) *Chas. F. Martyn*, Magistrate.

(A true copy.)

(Signed) *A. H. Smith*, Head Clerk.

No. 19.

The Information and Deposition of Sheeib Fyzoolla, taken upon oath before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the town of Calcutta, at Fort William in Bengal, the fifth day of December 1809; who, on his oath, saith; I am a husbandman, and a native of Mogla, in Zillah Chupra in Soobah Bahar. I remember on the 4th of June 1808, there was an earthquake, about three gurries of the day remaining, and on that day I saw five or six hundred persons coming towards Mootyary, some by land and others by water. Those persons were armed with sticks and tulwars. They first stopt

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about ten paces distant from Mr. Clarke's bungalow, at Bhobanypore in zillah Chupra, in Soobah Bahar. The armed men afterwards proceeded and came near a mangoe tree, which was about one pace distant from Mr. Clarke's bungalow, when Onoop, Mr. Clarke's chokidar, called for justice: "Dowe, Dowe, in the open face of the day these men are "come to commit a dacorty." Whereupon Sree Kissen Sing, one of the prisoners now present, said, Be quiet, Banchoot, it is my master's orders not to molest the beebee saheb and the baba, but to beat Mr. Clarke and his people, and turn them out from the premises; that he, Clarke, might not be able to erect a factory there. Pahar Tacoor, Sreekissen Sing, Sumrum Sing, and six or seven others, beat Onoop with sticks, which brought him to the ground, and they then forcibly entered into the bungalow. What passed in the bungalow I did not see. Mr. Clarke came out from the north door, and was endeavouring to run away, when he was pursued and beat by the prisoners and others. I heard Mr. Clarke tell the prisoners, that it was against the regulations to beat Europeans. The prisoners and others replied, it was their masters orders; and continued beating him. I saw Mr. Clarke fall down on the ground in consequence of the beating. Mr. Clarke got up, and attempted to run away, but he was brought to the ground a second time. Mr. Clarke got up again, and attempted to effect his escape. He was brought to the ground a third time. In this situation, he continued bleeding much from the face, and I observed blood about the cloaths. The prisoners and others proceeded towards the vats. In their way they met Futty Rawate, a chokidar of Mr. Clarke, whom they beat; and some of them, but whom I cannot say, gave him a cut with a tulwar on the right of the belly. The bricklayers, who were at their work in the vats, on seeing the rioters ran away. The prisoners and others plundered them of their tools and their cloaths. They then proceeded towards the moonsliee khonna, and plundered it of every thing; but they did not touch the grain or the indigo seed. There was some fire at a short distance from the moonshee khonna, which had been left by some person that had cooked victuals at the place. Drupall Sing took some straw from the chopper, and gave to Gunga Sing. Gunga Sing put some fire into the straw, and began to blow at it. Drupall Sing assisted Gopall Sing in blowing it into a flame. I heard four or five others say, in a loud voice, blow up the house, the saheb will be glad of it (meaning Mr. Douglas) and will give us buxsees. This order was again given by the prisoners, and another person of the name of Sabhoo Sing repeated it. I saw the granary and the moonshee khonnah on fire, but I cannot say who set fire to it. Some of the rioters, but who I cannot tell, went behind the moonshee khonnah, and set fire to three hackeries; while the hackeries were burning, the rioters proceeded towards the bungalow, plundered the remaining articles that were in the bungalow, and took a tent, and a horse with them, and proceeded towards Mootyary.

Sworn the day and year first above written, before me,

(Signed) *C. F. Martyn*, Magistrate.

(A true copy.)

(Signed) *A. H. Smith*, Head Clerk.

No. 20.

The Information and Deposition of Bhoiro Roy, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the town of Calcutta, at Fort William in Bengal, the fifth day of December 1809; who, on his oath, saith; I am a peasant, and live at Bilbona, near Motiharee, in the district of Chupra. In the afternoon of a Saturday, four days from the end of Joistee, or June, 1808, I went to the bazar at Bhowaneepore; and finding it shut up, I proceeded towards Mulcharee; and, in my way, I saw five or six hundred people assembled at a bungalow, inhabited by Mr. Thomas Clarke. I saw Bussun Roy strike Onoop, chokidar of Mr. Clarke's bungalow, with a stick. Afterwards Pahar Thacoor, Drupaul Sing, Sree Kissen Sing, Hetoo Khawn, Calloo Khawn, and several other persons, rushed into Mr. Clarke's bungalow; a short time afterwards, I saw Mr. Clarke come out of his bungalow, and much blood flowed from his head; and many of the people were beating him with sticks; and Mr. Clarke fell down twice; and the third time that he fell, he became senseless. Some of them were plundering the bungalow. I saw the moonshee khannah granary, and a hut, and three garries, or carts, on fire; but I do not know who set them on fire. They carried away a horse and a tent, and plundered the bungalow of every thing that they could carry away.

Sworn, the day and year first above written, before me,

(Signed) *Cha. F. Martyn*, Magistrate.

(A true copy.)

(Signed) *A. H. Smith*, Head Clerk.

No. 21.

The Information and Deposition of Radha Kissen, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the town of Calcutta, at Fort William in Bengal, the fifth day of December 1809; who, on his oath, saith; I was formerly employed by Mr. Douglas, as collector of the village of Chintamonpore. On Friday the 24th of Joyt 1215, (Fuslee), corresponding to the 3d of June 1808, I went to the factory of Mr. Douglas, at Pissera, about eight o'clock in the morning, and saw Cherunjeeree Lall, who was Mr. Douglas's moonshee, engage about forty persons, as servants; and told them, that they were engaged for the purpose of going to Mootyary, to fight Cherunjeeree Lall; went into the bungalow to Mr. Douglas; and when he came out again, he said to the people

people whom he had engaged, that Mr. Douglas had ordered them to go to Mootyary, and beat the gentleman, and turn him out of Mr. Moran's factory. He did not mention the gentleman's name, but desired them to turn him out of Mr. Moran's factory, and to prevent him from establishing a factory there. A short time after this, Mr. Douglas came out of the bungalow, and also gave orders to the people to go to Mootyary, and beat the gentleman, and turn him out of the factory. After this, Siodeal Sing, the nephew of Cherinjeevee Lall, said to his uncle, that the villages of Bissumberpore and Bukheria, were inhabited by Rajpoots; and told him to write a letter to Sunt Lall, who was there, with Bade Kissen, desiring him to pick out a hundred, or a hundred and fifty men, and send them also. Cherinjeevee Lall did, in consequence, write a letter, and sent it by a coyst, named Giridhar. Mr. Douglas was walking backward and forward outside of the moonshee khonnah, in the flower-garden. He heard this conversation, and desired Cherinjeevee Lall to write a letter, but did not dictate any particulars. I know nothing about the affray at Mootyary.

Sworn the day and year first above written, before me,

(Signed) *Cha. F. Martyn*, Magistrate.

(A true copy.)
(Signed) *A. H. Smith*, Head Clerk.

No. 22.

The Information and Deposition of Rauj Dhurr Rawoot, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the town of Calcutta, at Fort William in Bengal, the 5th day of December 1809; who, on his oath, saith; I am a native of Mootyary in zillah Chuprah, in Sooba Behar, and a husbandman. While six days were remaining in the month of Jayt, before the last, one evening a dosand, or chokidar, belonging to Mr. Douglas, came to my house, and desired me to go with him to fight. I told him I did not know how to fight; the chokidar went away, and I, Sobhanny, and Peero, proceeded to the house of Cherungeevee Lall, the mooktear of Mr. Douglas; Cherungeevee Lall took us before Mr. Douglas, and told him we had refused to go to fight. Mr. Douglas spoke something to Cherungeevee Lall, in English, which I did not understand. Cherungeevee Lall came and informed us, that Mr. Douglas said we must go to fight, and if we do not, he would flog us, and take away our lands, and banish us from the village. We went to our homes. On the following day, Saturday, four days of the month of Jayt remaining, a number of persons armed with sticks and tulwars began to assemble early in the morning, at a place called Puttya. I joined them also, through fear of Mr. Douglas's putting his threats into execution. We collected in a large body, and proceeded to Bhabanypore, to Mr. Clarke's factory. We arrived near the factory at about three gurries in the morning. Sriekissen Sing, Pahar Tacoor, and Drapall Sing, the principal jamadars, laid down their arms, and said their prayers, in order to be successful in the fight. They got up, armed themselves, and gave orders to proceed back to Mootyary, the place where they had originally assembled. We went thither, and in about one gurrie and a half we were served with refreshments. When three gurries of the day were remaining, Sheekissen Sing, the prisoner now present, and Drapall Sing, said, "Victory is on our side, let us arise and proceed." We got up and proceeded towards Mr. Clarke's bungalow, which we reached in a short time. When we came near the bungalow, I saw the prisoner Sreekissen Sing, without uttering a word, take his stick, and gave a blow to Goveye, Mr. Clarke's cook, upon the head. Some others beat him also; he fell down on the ground. Onoop, Mr. Clarke's chokedar, seeing what was passing, cried out, "Dowe, dowe," upon which the prisoner Sreekissen Sing abused him, and called out to him to be quiet. He added, I have Mr. Douglas's orders not to meddle with madam and the child, but to beat Mr. Clarke, and to set fire to his bungalow. Whereupon the prisoners, Sreekissen Sing, Pahar Tacoor, and some others, rushed into the bungalow. What passed there, I do not know. Shortly after they had entered the bungalow, I saw Mr. Clarke running out of the bungalow, with his head uncovered. As he was running he was warding off the blows with both of his hands, which the prisoners Sreekissen Sing, Pahar Tacoor, and Drapall Sing, were giving him with sticks. Mr. Clarke fell down twice, and got up, but the third time Mr. Clarke fell upon his face, and could not rise again; Mr. Clarke bled very much from the head, face, and other parts. I was much frightened, and stood at a distance, from whence I saw the moonshee konnah burning; who set fire to it, I did not see. The armed men began to plunder the bungalow. The tent was afterwards cut down by Sobanny. Hattoo, mussulman, belonging to Mr. Douglas, took away Mr. Clarke's horse. We then went away.

Sworn the day and year first above written, before me,

(Signed) *Charles F. Martyn*, Magistrate.

(A true copy.)
(Signed) *A. H. Smith*, Head Clerk.

No. 23.

The Information and Deposition of Cassem Ally Khawn, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the Town of Calcutta, at Fort William in Bengal, the fifth day of December 1809; who, on his oath, saith; I am a peon, at present employed by Mr. Smith, the Judge of Circuit at Patna, and was formerly employed by Charles Boddam, the Judge and Magistrate of zillah Sarun. In the month of Joyt 1215, (fulsee) I received a perwannah from Mr. Boddam, and was directed to go to the daroga of Culleanpore, and apply to him for assistance, to bring Foyjun Sicklegur and others; I do not recollect the date, but I arrived there on a Friday; on the Saturday

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Saturday morning, hearing that Foyjun had gone to Mootcary to purchase some leather, and that some of the others had entered into Mr. Douglas's service, I went, accompanied by a burkundauze named Emaumbux, and in the way I saw smoke, which appeared to be a fire, in the direction of Mootyary; I mentioned the circumstance to Emaumbux, who said, he supposed that the smoke arose from the burning of Mr. Moran's bricks; when we approached Mootyary, we met four labouring people running away without any cloths upon their heads, and of whom we enquired, what was the matter? they informed us, that they had run away from fear, in consequence of a body of people belonging to Mr. Douglas, that had come to Mr. Moran's factory in a riotous manner, had wounded Mr. Clarke, and set fire to the moonshee konnah. When we advanced a little farther, I saw Futtah Gowallah lying on the ground, and he had received a slight wound by a sword, on the right side; as we passed Mr. Clarke's bungalow, Mrs. Clarke sent Foyjoolla, chuprassy, to call me and Emaumbux; I told him that I was a peon of the court, and then upon duty, and could not go; I also told him, that as there was a quarrel between Europeans, I did not wish to be involved in it, or to be afterwards called upon to give evidence. Foyjoolla came a second time, in consequence of which we went into Mr. Clarke's bungalow, where I saw him lying on a cot, and blood flowing copiously from his brow; Mrs. Clarke shewed us his clothes, covered with blood, and told us the circumstances; but this was after the affray, and the riotous people had all dispersed, and I saw nothing of it. We left the bungalow, and proceeded on our duty to the village of Mooteary, where we saw Mr. Douglas's people making out a list of some European articles, among which were two spoons, which appeared to be silver, two shades, and a bundle wrapt up in a blanket, the contents of which I do not know; Emaumbux informed them, that Mrs. Clarke had related the circumstances to us, and told them that they had done very wrong in beating Mr. Clarke, and plundering his house; they replied, that they had acted according to Mr. Douglas's orders, and that he was responsible for whatever they had done; they further said, they would take every thing to the factory, to their master, Mr. Douglas. In the crowd I saw the three prisoners now present, whose names, I am informed, are Pahar Tacoor, Sree Kessen Sing, and Sumerum Roy.

Sworn the day and year before written, before me,

(Signed) *Chas. F. Martyn*, Magistrate.

(A true copy.)

(Signed) *A. H. Smith*, Head Clerk.

No. 24. The Information and Deposition of James Bruce, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace, in and for the town of Calcutta, at Fort William in Bengal, the 5th day of December 1809; who, on his oath, saith; I am acquainted with Mr. Robert Scott Douglas, of Pepra, pergunnah Majawah Zillah Sarun, and have known him for several years; he is an indigo planter in that district: I have frequently heard him say that he was born in England, though I do not know of what country he is.

J. Bruce.

Sworn the day and year first above written, before me,

(Signed) *Cha. F. Martyn*, Magistrate.

(A true copy.)

(Signed) *A. H. Smith*, Head Clerk.

No. 25. The Information and Deposition of Mathew Moran, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace, in and for the town of Calcutta, in Fort William in Bengal, the 5th day of December 1809; who, on his oath, saith; I am an indigo planter at Barah, in the province of Behar. Sometime in the month of April 1808, I employed Mr. Thomas Clarke to go to Mootyary, to superintend the building of a set of indigo works, which I was then erecting at Mootyary, on forty begahs of land, which I had obtained a potah for, from Cazey Hussain Khawn, with the sanction of the Board of Revenue; Mr. Clarke did accordingly proceed to Mootyary, sometime in the month of May 1808. From the time of Mr. Clarke's arrival at that place he frequently wrote to me, stating the improper conduct of the servants of Mr. Robert Scott Douglas, who were continually obstructing the work from going on, and my people from taking water from the Jeel, to go on with the building; in consequence of which I wrote to Mr. Clarke, to dig wells and obtain water, in order to prevent having any altercation with Mr. Douglas or his people; in this attempt he was also opposed by Mr. Douglas's people, who forcibly entered on my premises, and filled the wells up. I had received continual accounts of the interruption my people met with from those of Mr. Douglas, while going on with the building; in consequence of which I wrote Mr. Douglas a letter, desiring him to prevent his people from committing such unwarrantable outrages; in answer to which I received a very dissatisfactory reply. About the 7th or 8th June I received further accounts, that a large body of people, belonging to Mr. Douglas, had forcibly entered on my grounds, and beat and cruelly ill used Mr. Clarke, and other servants belonging to the factory; that they had set fire to a granary, containing a large quantity of different sorts of grain and indigo seeds, moonshee konnah, and several other out-houses, and had carried off almost every thing they could lay hold of, belonging to me and Mr. Clarke, at the factory.

Sworn the day and year first above written, before me,

(Signed) *Cha. F. Martyn*, Magistrate.

(A true copy.)

(Signed) *A. H. Smith*, Head Clerk.

The

The Examination of Sreekissen Sing, Someron Roy, and Pahoi Tacoor, taken before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the town of Calcutta and factory of Fort William, in Bengal, the sixth day of December 1809. No. 26.

The said examinations being charged on the oaths of Thomas Clarke, Elizabeth Clarke, Mobaruck Hussain, Sadhoram Sunt Lall, Shukh Fyzoolla, Bhairoo Roy, Radho Kissen, Rajdhur Rawoot, Cassim Ally Khan, Mathew Moram, and James Bruce, and with having riotously assembled, and maliciously, wilfully, and feloniously set fire to, and burnt to the ground, one thatched granary, containing eighteen hundred cutcha maunds of different sorts of grain and indigo seed, and a thatched moonshee konnah dwelling, together with divers other straw huts, or dwellings, the property of the said Mathew Moran; and the said examinants, being duly interrogated, say, we are not guilty of the above stated charge.

Taken the day and year first above written, before me,

(Signed) *Cha. F. Martyn*, Magistrate.

(A true copy.)

(Signed) *A. H. Smith*, Head Clerk.

DEPOSITIONS in the Case of THOMAS GARDINER.

The Information and Deposition of Tucktee Buvah, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of Peace in and for the town of Calcutta, at Fort William in Bengal, the ninth day of June 1810; who, on her oath, saith; I am the widow of the late Harro, and an inhabitant of Kurimali, in Zillah Krishnagore, in the province of Bengal. Six days remaining of the month of Choyte, or April last, on a Tuesday, and prohor of the day remaining, Loboye and Huneef, two packs belonging to Mr. Kelso, came to my late husband's house, and said, that Mr. Gardiner wanted him. Harro was at this time smoaking a chillum of tobacco; Cattay Khawn, a brother-in-law of Harro, was with Loboye and Haneef. Harro went along with them, of his own accord. On Thursday Lochum Birwas came to my husband's house, and informed Damoo, my brother, that my husband had been beaten by Mr. Gardiner, Haneef, Loboye, and a sepoy; and that he was kept in the factory, and was not suffered to go home. Lochum Birwas also said, that Harro was very ill, and he was speechless, and there were no hopes of his living; and he said, if Damoo wishes to see him, he ought to go to the factory; whereupon Damoo set off instantly on the same night, or a little of the night remaining. Damoo came home, and gave me tidings of the death of my husband. I lamented the loss of my husband, and remained at home. I did not go to see the corpse of my husband, because it was in the factory, and I was afraid of loosing my cast. Besides which, my husband's lawful wife did not go there herself. In the afternoon that my husband went to the factory, he was not ill; he was in good health, and so for many days prior to his going thither. He was a strong, healthy, middle sized, stout man, and was not old. No. 27.

The mark of

Sworn the day and year first above written, before me, ⋈

(Signed) *C. F. Martyn*, Magistrate. *Tucktee Bewah.*

(Signed) *J. Gonsalves*, Int^r.

(A true copy.)

(Signed) *A. H. Smith*, Head Clerk.

The Information and Deposition of Callay Khaun, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the town of Calcutta, at Fort William in Bengal, the ninth day of June 1810; who on his oath, saith; I am a clashee, in the service of Mr. Kiloo, and am attached to an indigo factory at Tuddoonotpore, in the district of Khrisnagore, in the province of Bengal. On a Tuesday, about two months ago, on the day of the new moon, I was taken from Mirzapore village, where I had been to get indigo seed, sown by Loboye and Hanup chowkeedaurs of the above factory; Haroo, clashee, the deceased, was also taken away along with me. Haroo was seized by the chowkudaurs after I had been in their custody. He was taken at his house at Kurimale village, in the aforesaid district. We were taken to the Tuddolpore factory, and kept in the sircar's writing office, until the gentleman, Mr. Gardiner, had done taking his dinner, when we were produced before him by the said chowkudars, at his outh chatta or bungalow. Mr. Gardiner asked us why we had not sown seed; and he said we had committed a great fault, and for which we must be punished. Mr. Gardiner then ordered Loboye and Haneef to beat us; and Mr. Gardiner brought from a godown two canes, of the length of about two cubits, and of the thickness of my little finger, which he gave to Loboye, and with one of which, Haneef gave Harro, the deceased, five or six strokes about his posteriors. Mr. Gardiner got angry with Haneef, and said you are blind. He snatched the cane from his hand, and then gave it Loboye, and ordered him to beat us; whereupon he gave the deceased four or five strokes upon his posteriors; and afterwards he gave me about ten strokes with the same cane on the posteriors. After this, Mr. Gardiner ordered a sepoy, whose name I do not know, to beat Harro. He gave Harro five or six strokes with one of the canes about his posteriors. After this, Mr. Gardiner took the cane from the hand of the No. 28.

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sepoy, and gave Harro about five strokes on his back; Mr. Gardiner then ordered Haneef to rub chilly and salt upon us; Haneef brought some salt only, and rubbed it on the parts where I and Harro had been beaten. I felt a smarting for a short time; the marks swelled a little. Mr. Gardiner then ordered Loboye and Haneef to take us to Juddoonotpore factory, which is from two to three coss distant from this factory. Harro in the way told me that he had not received four months wages; that he would take his wages and leave the service, as he could not bear to be flogged frequently; I and Harro proceeded to the Juddoonotpore factory, and remained in the lodging of the chowkudars who had first brought us under custody. I requested of Harro, who was my brother-in-law, to go home; Harro replied, he would not go away, until he received his wages. On the next day, Wednesday, Harro began to complain of experiencing constant thirst, and he drank much water. Loboye Khawn, a relation of ours, who had come to the factory on his own business, came to the place where we were, and asked us why we had not gone home; whereupon Harro replied, that he had been vomiting, and was taken ill with a bowel complaint, which made him unable to proceed to his home. At this interval, Buxmahomed, another brother-in-law of the deceased, came to the place, and gave him some khoye, or fried paddy to eat; he eat two or four mouthfuls of it, and Buxmahomed went away, leaving us together. On Thursday following, Damoo, another brother-in-law of the deceased, came, and brought him choorah or beaten rice, and washed it in some water, and gave him to drink it. Harro drank some. I and Damoo remained by him on that night. I left Harro on a durmah mat, and went to sleep; at the latter part of the night I was awakened by Mooyden and Hessumdy Piadah. They desired me to go and inform Harro's family of the death of Harro. I came back to the factory, and saw Mr. Gardiner walking about in his bungalow, and the tamah people making investigation. My deposition was likewise taken by the buxey or mohorir. On the second day of Harro's death, the mohorir came and ordered the corpse out of the room where it had lain. It was accordingly dragged out of the room by Buxmahomed and Loboye Khawn, over planks, broken bricks, &c. which rubbed off part of the skin from the right posteriors. Mr. Gardiner requested of the mohorir to hold his inquest in the room where the corpse lay, to which the mohorir paid no attention, but said he would have the corpse out, which was accordingly done. Four days after I was ordered by the mohorir to dispose of the corpse. I and the other relatives of the deceased buried it. We were afterwards taken to the tannah, and from thence sent to Mr. Eliot, the magistrate, who took my deposition, and sent me to Calcutta with the others.

Sworn the day and year first above written, before me, The Mark of ✕ *Callay Khawn.*

(Signed) *C. F. Martyn*, Magistrate.

(A true Copy.)

(Signed) *A. H. Smith*, Head Clerk.

(Signed) *J. Gonsalves*, Int^r.

No. 29. The Information and Deposition of Nobye, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the town of Calcutta, at Fort William in Bengal, the ninth day of June 1810, who, on his oath, saith; I am a chowkeidar, attached to the Juddoonotpore indigo factory, belonging to Mr. Kelso, in zillah Kishnagore. In the month of Choyte last (April 1810) on a Tuesday, at about seven in the morning, Mr. Gardiner, the superintendent of four indigo factories of Mr. Kelso, came to the Juddoonotpore factory, and ordered me and Haneef chokeedar, to go and call Harro, the deceased, and Callay Khan, two superintendents in the cultivation of indigo. We proceeded on our errand, and found Callay Khan at Mirzapore village, in the said zillah, to whom we communicated the order. Callay Khan said he was ready, and came along with us. We then proceeded to the house of Harro, the deceased, at Kurimali, in the said zillah. Harro accompanied us to the Juddoopore factory. I went to Mr. Gardiner's bungalow, and informed him that Harro and Callay Khawn were brought, and I was ordered to produce them before him. I did so. Harro and Callay Khawn were asked why they had not sown indigo seed, as this was the time. Harro did not make any answer; but Callay Khawn said he had sown indigo seeds. The gentleman then again asked Harro why he did not sow indigo seeds, for which neglect he ought to be punished. Mr. Gardiner thereupon walked into a room, and brought out from thence a rattan of the length of about two cubits, and of the thickness of my little finger, and gave it to Haneef, and said, lugow, or strike him; whereupon Haneef gave Harro three strokes with the said rattan about his waist, upon the cloth; but as he squinted, and could not see well, Mr. Gardiner snatched the rattan from his hand, and he gave the rattan to a sepoy, whose name I do not know, and desired him to beat Harro. The sepoy gave Harro five stripes with the rattan on the back. Mr. Gardiner then gave the rattan to me, and ordered me to flog Harro with it; I did accordingly give him four stripes about the posteriors. Mr. Gardiner then took the rattan out of my hand, and gave of himself to Harro seven stripes about the back. Mr. Gardiner, after this, ordered Haneef to apply salt to the parts where Harro had been flogged. Mr. Gardiner then went into the cookroom, and brought from thence some black salt, about half a chuttack, in his hand, and gave the same to Haneef, and ordered him to rub the parts with it. Haneef did so. Mr. Gardiner ordered me to rub in chilly, but none was rubbed in, although the same was brought by Hollodhur Baworchy, by the direction of Mr. Gardiner. We were afterwards ordered to go to the Juddoonotpore factory. Harro, as I understood from himself, had been ill about twenty days before, of a bowel complaint.

Neither

Neither Harro or Cally Khawn were put into custody. We proceeded on to the Juddoonotpore factory, where we arrived about seven in the evening. Harro and Callay Khan went to sleep. I went the rounds at daylight in the morning. I got up, and was proceeding to the village, to see indigo seeds sown, when I desired Harro to go also to his duty. Harro said he would not serve any longer; so did Cally Khan. They would wait for their wages, and upon receiving them, they would go away, as Mr. Gardiner had beat them without any cause. About five in the afternoon of the same day, I returned to my lodging from my duty, when I found Harro calling for water frequently to drink. Callay Khan, in my presence, told him to go home. Harro said he expected Mr. Gardiner at the factory; and when he comes he would take his pay, and then go home. Callay Khan eat some rice, but Harro did not eat any. I went to the bungalow, and on my return I enquired of Callay Khan, why Harro had refused to eat rice. Callay Khan said, he did not know why Harro had refused to eat rice. I went to sleep; in the morning I got up, and was about to go to my daily work, when, in my presence, Harro was calling for water to drink. Callay Khan said, if he would eat rice, he would give him water, otherwise not. I gave Harro some rice in a plate; Harro took a mouthful, but he could not swallow, and threw it up. Harro only continued to drink water. I saw him once vomit. I returned from my duty in the afternoon, and found Harro had eased himself in his cloth, and he had also vomited. He complained of a great heat about his body, and was rolling about the hut. Damoo after helped Harro up, and made him sit down; he also took him out whenever Harro wanted to go to ease himself, which might be two or three times on the same evening. About seven or eight I went to my own home at Tangara, and I did not see any thing further of Harro. Two days afterwards two ticka peons of the thannah came to my house, and carried me to the factory, where the corpse lay, and where the buxey took down my deposition. I did not see the corpse of Harro. From the factory I was taken to the thannah by the thannah people, and from whence I was conducted before the magistrate, Mr. Elliot, before whom my deposition was taken, and from whence I have been sent to Calcutta. This is all that I know of this business.

Sworn the day and year first above written, before me,
(Signed) *C. F. Martyn*, Magistrate.

The mark of
⋈
Nobye.

(A true copy.)
A. H. Smith, Head Clerk.

(Signed) *J. Gonsalves*, Int^r.

No. 30.

The Information and Deposition of Haneef, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the town of Calcutta, at Fort William in Bengal, the ninth day of June 1810; who, on his oath saith; I am a ticca peon, in the service of Mr. Kilso, belonging to his indigo factory, situated at Juddoonotpore, in the district of Kishnagore. Three months ago, on a Tuesday, Mr. Gardiner came to the Juddoonotpore factory, from that of Jadubpore. The gentleman sent for me and Nobye, into his office, and ordered us to go and bring Callay Khawn of Odlossie, and Harro of Hurimate, to the Jadubpore factory. We went to the Mirzapore village, where we found Callay Khawn, whom I told that Mr. Gardiner wanted him; Callay Khawn said he was ready. From thence, with Callay Khawn, we proceeded to the house of Harro, and told him, that Mr. Gardiner also wanted him; Harro accompanied us. In the afternoon we reached the factory, and took them before the gentleman, who asked Callay Khawn why he had not sown indigo seeds; Callay Khawn said he had sown some. After this, Mr. Gardiner asked Harro if he had sown any? Harro said he had not sown any, as the land would be covered with grass; whereupon Mr. Gardiner said to Harro, that he had neglected to do his duty, and he would punish both Callay Khawn and Harro; whereupon Mr. Gardiner ordered me and Nobye to punish them; Mr. Gardiner brought out from a room two pieces of rattan, of about the size of my little finger, and about two cubits long, one of which Mr. Gardiner gave me, and the other he held. I was directed to flog Harro; I gave Harro three stripes on the posteriors. Mr. Gardiner took the rattan from me, saying, I could not flog well, and delivered it to Nobye. Nobye gave four stripes upon the posteriors, the end of the rattan split, and bruised a little of the skin of Harro's waist, of the size of a paddy. The same rattan was taken from Nobye, and given to a sepoy, whose name I do not know; and he was ordered to flog Harro. The sepoy thereupon gave Harro five stripes on his posteriors; the gentleman snatched the rattan from the sepoy, because he gave one stripe on the back; and then Mr. Gardiner gave with his own hand seven stripes on the back. The gentleman, after this, ordered some chilly and salt to be applied to the parts that had been flogged. Some salt and chilly were given to me in a broken earthen pot; I threw away the chilly, because I was told by Nobye and others, that the chilly would burn very much; but I rubbed the salt upon Harro; I do not recollect who gave me the salt and chilly. Callay Khawn was beaten in like manner by Nobye and the sepoy. At this time I went to the sepoy's lodging for a drink of water. I did not see Mr. Gardiner beat Callay, but applied salt to the flagellation, by the order of the gentleman; Mr. Gardiner then ordered me, Nobye, Harro, and Callay Khawn, to go to the Juddoonotpore factory. We accordingly went to the factory at Juddoonotpore. In the way, I desired Harro and Callay Khawn to go to their homes; they replied, that they would not go away until they received their wages; and they further said, that they would not serve Mr. Gardiner any longer, because they were beaten without cause; when we reached the factory, Harro and Callay Khawn requested of me and Nobye to allow them

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them to remain in the lodging of the peon, and other servants. I took my victuals in the above lodging, and went to watch Mr. Gardiner's office. On Wednesday following I saw Harro drink water frequently. On Thursday following, in the evening, I asked Harro how he was? Harro said he was drinking water, and has been vomiting and purging. After two o'clock in the morning, Hessundy peon came to Mr. Gardiner's office, and informed me that Harro was dead. Every person left the factory, and went away; I also went to my own house. On the third day of Harro's death, some of the tannah people went to my house, and brought me to the factory, where Harro had died; and I was taken into Mr. Gardiner's bungalow, where the bareey took my deposition. I did not see the corpse of Harro; I was taken by the bareey to the tannah, from thence before the magistrate, Mr. Eliot, where my deposition was a second time taken, and from whence I have been sent down to Calcutta.

The mark of
Sworn the day and year first above written, before me, ⋈
(Signed) *C. F. Martyn*, Magistrate. *Haneef.*

(A true copy)
(Signed) *A. H. Smith*, Head Clerk.

No. 31. The Information and Deposition of Damoo Gazee, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the town of Calcutta, at Fort William in Bengal, the ninth day of June 1810; who, on his oath, saith; I am a cultivator of land, and an inhabitant of Hurimale, in zillah Nuddea, in the province of Bengal; when about six days were remaining in the month of Choyt (April last) on a Thursday, at or a little after one prohor of the day, in the morning, Lochan Biswas, one of the ameens of the Juddoonotpore factory, situated in the aforesaid zillah, and belonging to Mr. Kilso, informed me, at my house, that Harro, superintendent of the said factory, was very ill; I asked Lochim Biswas where Harro was. He informed me, that Harro was in the factory. Lochun Biswas also desired me to take a lotta, for Harro to drink water from. I did not take the lotta with me. About six ghurries of the day remaining, I went to the factory, and saw Harro in the house of the chowkeydar belonging to the factory. I found him laying on a mat. He seemed to be very uneasy, and was muttering some words, which I could not understand. I was at this time standing near the door of the chowkeydar's house, and went close to Harro, and stood by him for some time. He looked at me for a while, and then said, "brother Damoo, are you come, give me some water to drink;" whereupon I took an abkhorra, or a brass cup, belonging to Hassundy Poada, of the factory, and give Harro some water to drink. A little while after, he requested of me to lift him up. I did so several times; and he set down, whilst I supported him. Shortly after, he asked me again for water; and I gave him some. Some time after this, I washed some chooia, or beated paddy, and gave him the water to drink. After this nourishment, he seemed a little easy; but soon after, he became in the same state as before. Upon seeing him in that state, I asked him, what was the matter with him; he said, that the gentleman had beat him, and chilly and salt was rubbed upon the part where he had been flogged. I saw about eight or ten strokes upon Harro's back. They appeared to have been done with a rattan. I saw these marks when I lifted him up, in order to let him sit down. When about one prohor of the day was remaining, Harro, in that uneasy state, requested of me to take him out of the house. I took him out, where he made water, and eased himself; and at dark, I brought him back into the house, where he had been before, and laid him down at the same place. I took leave of Harro, and was proceeding home; and, after I had got to the distance of eight or ten cubits, Haneef chowkeydar called me, and said, Harro wanted me. I returned, and found Harro in the same state. Harro said to me, "brother, remain here this night, and attend upon me." I did accordingly remain with Harro, and attended upon him, and frequently gave him water to drink; that is, as often as he asked me for it. He did not complain of any internal, or external pain, or any other malady. About seven in the evening, I went to lay down near him, on a plank. In about an hour afterwards, I heard him groan. I got up, and went to him, and found him speechless. I repeatedly called him by his name, but could get no answer from him; whereupon I awoke Collye Khawn clashee, and Haram chokiydar; the former was within a fatty or fence, and I and Harro within another. Both of them came up to Harro, and found him groaning. They called him by his name, and could get no answer from him. Near midnight, I found Harro in agony. I went to Hassanidy Peada, who was in another hut, at a short distance, and informed him the state in which Harro was; and said he was at the point of death. I and Hassanidy then proceeded to the house of the dewan, Srieburry Bose, in order to inform him of the state in which Harro was; when we reached the dewan's house, Hassanidy Peadd called out to him, by his name; he did not answer; but another person within replied, that the dewan was asleep; whereupon Hassanidy mentioned to him that Harro would not live. This person desired Hassanidy to go with a chokeydar, and inform the gentleman, Mr. Gardiner, of the circumstance. We did not go to the gentleman, but went back to Harro, whom I found in the state I had left him. I and Hassanidy went again to the dewanjee; and Hassanidy called him out. The dewan asked Hassanidy what he wanted; Hassanidy said Harro was dying, and he requested of him to come and see him. The dewanjee followed us. He came and stood without the house in which Harro was, and asked of Hassanidy, if he, or any one else, could feel the pulse. Hassanidy said he could not, but Moozdeen could; whereupon Hassanidy called Moozdeen, who was at the gentleman's bungalow.

Moozdeen,

Moozdeen, in a short time, came; and the dewanjee desired him to feel Harro's pulse. Moozdeen did so; and said, he would not live. At this time the groaning ceased, and he had a little breath remaining in him. I left him alive at about two prohor, and proceeded to the thannah, in order to give notice. I reached the thannah at about two and a half prohor, and found the jemmedar at the thannah, to whom I related the circumstance. The jemmedar asked, if Harro was dead? I replied, that he was not dead; whereupon the jemmedar desired me to go to the factory, and remain there until Harro died; and to give him notice. I told the jummedar, that I could not go back to the factory, but was going to my own house. Early in the morning I sent to the Jaddobepore factory, in order to inform the gentleman of the situation that my brother-in-law, Harro, was in. I could not find the gentleman there, but was given to understand, by a gomasta of the above factory, that he had gone to the Juddoonautpore factory, the place where my brother-in-law was. I then crossed the bate creek, in order to proceed to Juddoonautpore factory; and, at which place, on the bank of the creek, Sheikh Bhollye, a clashee in the employ of the gentleman, Mr. Gardiner, informed me that Harro was dead; I asked him from whom he had got that information; Bhollye said that he heard it from another person. Bhollye desired me to proceed to the factory with expedition; and he also desired me to give notice at the thannah. I did accordingly go to the thannah, and gave notice to the jemmedar and his buxry, or muhmer; whereupon the thannah people proceeded to the factory. They found the gentleman in his bungalow. The thannah people went into the hut where my brother-in-law lay, and where I saw him lying dead. They received the corpse; some of the thannah people brought some villagers, in order to take a view of the corpse. Before the body was exposed to view, the corpse was brought out of the hut where it had laid by the buxey, who held the deceased by both of his hands; and another person, whose name I do not know, held both of the deceased's legs; and, in this manner the corpse was brought out. I saw, at the time, at the view of the body, that the back and posteriors were covered with dust; I did not see them before, and I cannot therefore say whether the parts were in that state before, or whether it was caused at the time of removing out the body. I also observed the skin on the right posterior rubbed off. It appeared to have been as if the corpse had been dragged over some hard substance. In the afternoon, the thannah people went and brought some villagers, and proceeded in their presence to take down depositions of Callay Khawn, a peon of the factory. I remained there three days; and during my stay there, the thannah people had not finished their investigation. They took down also my deposition. I left the factory on the next day after my deposition had been taken. I did not see how, or in what manner the corpse was disposed of. Some days afterwards I was taken by the thannah people before the magistrate, Mr. Eliot, who took my deposition, and sent me, with others, to Calcutta.

The mark of
Sworn the day and year first above written, before me, ✕
(Signed) *C. F. Martyn*, Magistrate. *Damoo Gauzee.*

(A true copy.)
(Signed) *A. H. Smith*, Head Clerk.

The Information and Deposition of Manick Gauzey, taken upon oath, before me, Charles Fuller Martin, one of his Majesty's Justices of the Peace in and for the town of Calcutta, at Fort William in Begal, the ninth day of June 1810; who, on his oath, saith; I am a cultivator of land, and an inhabitant of Oolassee, in the zilla of Krishnagore. On a Thursday, in the month of Chogte, or April last, about two gurries in the night, I went to the lodging, Sohaye, in the factory of Mr. Kilso, on account of having been overtaken by rain. I there saw two paikes, whose names I do not know, together with Goberdhone, Cally Khawn, Harro, and Damoo. I saw Harro very restless and groaning, and Damoo giving him water to drink. I asked Damoo what was the matter with Harro. He said, that the gentleman, without naming who he was, had beaten him. At about two and a half prohor of the night, Harro seemed in agony, he was groaning and speechless. Upon hearing Damoo say he was going to the Tannah to complain, I quitted the place, and went to my own house; I saw Harro on the night of his death. He vomited twice, and went out once in order to ease himself. I saw nothing further. I did not see his corpse afterwards.

The mark of
Sworn the day and year first above written, before me, ✕
(Signed) *C. F. Martyn*, Magistrate. *Manick Gauzee.*

(A true Copy) (Signed) *J. Gonsalvez*, Int^r.
(Signed) *A. H. Smith*, Head Clerk.

The Information and Deposition of Moozeen Sirdar, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the town of Calcutta, at Fort William in Bengal, the ninth day of June 1810; who, on his oath, saith; I am a chowkeedar, in the service of Mr. Kelso, to watch his factory at Juddonothpore, in the district of Krishnagore. On a Wednesday, some time in the month of Choyte last, I returned from Ranaghaut. In the afternoon I went into my lodging in the said factory, where I found Harro and Cally Khaun, both sleeping, and I asked them the reason

No. 5. Further Extracts from Bengal Judicial Cons. 20 July 1810:— Offences committed in the interior of the Country.

of their being there; they said that they had been flogged for a trifling fault, and they would not therefore serve the gentleman any longer. I eat my victuals, and went to watch Mr. Gardiner's bungalow, leaving them in the lodging. On the next morning, at about four gurries, I returned to my lodging, and when I saw Harro and Cally Khan, Harro was asking for water, whilst laying on his back. He appeared to be very sick. He vomited twice in my presence, and stooled once, and soiled the place; I went and informed the Dewan Sree Harry Bose of the circumstance; and stated to him, we were not able to take our victuals, owing to Harro's having dirted the room. The Dewan desired me to represent it to the gentleman, as they refused to go away until their wages were paid to them. The gentleman at this time was at Jadoolepore factory; I mentioned the circumstance to Mr. Gardiner, and the gentleman said he would come in the next day and settle the business; and in the mean time he desired me to tell Harro to go home. About two prohor and a half I returned to my lodging, where I found Harro and Damoo; Harro seemed in the same state I had left him, and Damoo was giving him some water from beaten rice. I went and took my victuals, and then I proceeded to watch the bungalow. About a prohor of the night remaining, Hessandy, peada, came and informed me that Harro would not live, and he requested of me to go and see him. I went, and felt his pulse, and found him dead; Cally Khawn and Damoo went away to their houses. I put some oil in the lamp, and fastened the door of the room, and returned back to my post. On the next morning, Friday, a little after sunrise, Mr. Gardiner came to the factory, when we informed him of the death of Harro; the gentleman seemed very much surprised at it. He went and looked at the corpse; about four or six dondo in the morning, the buxey, or mohorir of the thannah, came, accompanied by a number of others, and surrounded the bungalow, seized me, and kept me at a distance. The gentleman was deprived of his breakfast on that morning. Some time after the thannah Jemadar came, and proceeded to take a view of the corpse. The gentleman requested of the buxey to take down the soorotehaul in the room; the buxey refused, and ordered the corpse out; whereupon two persons, Shekh Lobahdy held both hands of the deceased, and Buxoy both of the legs, and dragged the corpse out into a plain, near the door of the room, and then a view of the body was taken. In the course of examination I observed six or seven strokes, as of a rattan, upon the back of the deceased. The skin of the right posterior had been rubbed off; this, I suppose, was done by the dragging of the corpse from the room to the outside, over the planks, coah, gravels, &c. The buxey then proceeded to take depositions from them. I, and the others, were taken to the thannah, from whence we were sent before the magistrate, Mr. Eliot, who took down our depositions, and sent us to Calcutta.

Sworn the day and year first above written, before me,
(Signed) *C. F. Martyn*, Magistrate.

The mark of ⋈
Moozdeen Sirdar.

(A true copy.)
(Signed) *A. H. Smith*, Head Clerk.

(Signed) *J. Gonsalves*, Int^r.

The Information and Deposition of Jungly, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the town of Calcutta, at Fort William in Bengal, the ninth day of June 1810; who, on his oath, saith; I am a chowkeedar, attached to the indigo factory of Mr. Kelso, situated at Juddoonotpore, in zillah Krishneegore. On a Thursday, about three months ago, I came to the above factory, from Ryjolpore factory, at dusk, and went to the lodgings allowed to me and other chowkedars, where I saw Harro, the deceased, lying down, and Callay Khawn, Damoo Harro's brother-in-law, Gobindhone, Manick, and Harrawn Chow keedar; upon seeing them at the lodging, I asked Calley Khawn, what had brought them there? Cally Khawn replied, that they would not serve the gentleman, meaning Mr. Gardiner, any longer; while I was talking to Calley Khawn, Harro, whose face was covered with a cloth, uncovered it, and I asked him the same question as I had put to Cally Khawn. Harro replied, that he would not serve the gentleman any longer, because he beats us frequently for mere trifles. Harro frequently desired Damoo, his brother-in-law, to lift him up; and called for water to drink as often as he sat down; he was supported by Damoo. I saw, during the time I was there, that Harro vomited twice. I asked Harro, why he drank so frequently? Harro said, he could not help it, because he found himself very thirsty, and that he had vomited, and had a looseness. After this I had no further talk with Harro, but left him with his brother-in-law Damoo, who was attending upon him, and taking care of him. I went and took my victuals, and retired to my duty of guarding the store godown and the washerman's house. About two and a half prohor of the night I heard a noise proceeding from the mouth of the deceased, as if he was in convulsions. I desired Damoo to feel Harro's body, whether he had expired; Damoo felt his body, and said the body was cold. I called Hessandy Peon to come and see what was the matter with Harro. Hessandy came, and saw Harro, and said, he is dead. Hessandy desired me to go the cutcherry, or office, and inform Tavildar, cash keeper, of the circumstance. I went away, leaving Harraun in my room. I went and brought the cash-keeper, who saw Harro from a distance; before whom Hessandy said, Harro is gone, or dead; when I returned with the cash-keeper, I did not find Harrawn. I got alarmed, being alone in the room where the corpse was; I therefore went to the gentleman's bungalow, and remained there. At day-light, I went into the village to make some tobacco, and shortly after returned, and went to Moozdeen, chowkeedar of the bungalow, and told him

him that I was going to my own house at Carnyado; Moozdeen said, go; and I went to my house, and saw nothing further. I was not present at the investigation, nor have I seen the corpse of the deceased, either before or after his death, consequently I am not able to say in what state it was.

The mark of
⋈
Jungley.

Sworn the day and year first above written, before me,
(Signed) *C. F. Martyn*, Magistrate.

(A true copy) (Signed) *J. Gonsalves*, Int^r.
(Signed) *A. H. Smith*, Head Clerk.

The Information and Deposition of Harrawn, taken before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace, in and for the town of Calcutta, at Fort William in Bengal, the ninth day of June 1810; who, on his oath, saith; I am a chowkeedar, in the service of Mr. Kelso. On a Friday, about three months ago, I came to Juddoonotpore factory, from another factory, upon my master's business; I reached this factory at about two gurries at night; I went to the lodgings allotted to the chowkedars in the said factory, and there I saw Callay Khawn, Harro the deceased, Damoo, Gobordhone, Cayborto, and Manick; I asked Callay Khawn what was the matter with him, and the others; Callay Khawn replied, that the gentleman, Mr. Gardiner, beat him; I then took my victuals and went to shop; about twelve o'clock at night, Jungley, another chowkeedar, awoke me, and directed me to keep chowkee or watch, at the lodging and cutcherry or sircar's office; I got up, and proceeded to do my duty; six dondo of the night remaining, I heard from some one in the lodging, that Harro was dead; I went into the room where the corpse lay, and saw him dead and laying upon a mat: the moment that Harro was dead, the dewan, whose name I do not know, gave me a letter, and ordered me to go to another factory, and to give it to Mr. Gardiner. I went and delivered the letter to Mr. Gardiner at the factory; and I took leave of the dewan of this factory, and went to my own house at Bomny. At the time I mounted guard, I did not consider Harro, the deceased, as my prisoner, nor had I any instruction by my predecessor, about him; I did not even see what kind of beating Callay and Harro had received, nor did Callay Khawn describe it to me; I had no conversation with Harro, but before I had taken my meal, I saw Harro very uneasy and restless: Damoo, a brother-in-law, attended upon him; he frequently called for water; I likewise saw him vomiting three times; I did not see him taken out of the room; I was much fatigued myself, and took my victuals and went to sleep; I was not present when tannah people went there to make investigation. This is all I know.

The mark of
⋈
Harrawn.

Sworn the day and year first above written, before me,
(Signed) *C. F. Martyn*, Magistrate.

(A true copy.)
(Signed) *A. H. Smith*, Head Clerk. (Signed) *J. Gonsalves*, Int^r.

The Information and Deposition of Thomas Paye, taken before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the town of Calcutta, at Fort William in Bengal, the twelfth day of June 1810; who, on his oath, saith; I am an assistant at Mr. Farrel's academy; I have known Mr. Gardiner nearly six years: he was formerly a midshipman and master's mate on board of His Majesty's ship Trident; since my acquaintance with him, he has frequently spoke to me of his family and connections in the United Kingdom, and that he himself was born in Ireland, though I do not know of what county he is.

(Signed) *Thos. Paye.*

Sworn the day and year first above written, before me,
(Signed) *C. F. Martyn*, Magistrate.

(A true copy.)
(Signed) *A. H. Smith*, Head Clerk.

The Examination of Thomas Gardiner, taken before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the town of Calcutta, at Fort William in Bengal, the 12th day of June 1810.

THE said Examinant being charged on the oaths of Tuektee Beeva, Callay Khawn, Nobye Haneef, Damo Gawzy, Manick Gawzy, Moozdeen Sirdar Jungley, and Hurraun, with the wilful murder of Harro; and the said Examinant being duly interrogated, says, I am not guilty of the above charge.

(Signed) *Thos. Gardiner.*

Taken the day and year first above written, before me,
(Signed) *C. F. Martyn*, Magistrate.

(A true copy)
(Signed) *A. H. Smith*, Head Clerk.

No. 5.

Further Extracts from Bengal Judicial Cons. 20 July 1810.—Offences committed in the interior of the Country.

DEPOSITIONS in the Case of Mr. THOMAS CLARKE.

THE Information and Deposition of Hoolaus Mundle, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the town of Calcutta, at Fort William in Bengal, the twelfth day of June 1809; who on his oath, saith; I am the son of Mooncoor Bismas, late of Nundenpore, in zillah Purneah; I am also an inhabitant of the aforesaid place. On Saturday, on the day of the full moon, in the month of Ppos last, the date I cannot recollect, my father came home on foot, as usual, from his duty as a teshildar, in the service of Surdharam Cayet, a talookdaur, of Mirpore, in the district of Purneah, at about a phurr of the day remaining, and told me, that he had been very much beaten by Mr. Clarke, because he had refused to receive advance for indigo plants. I know Mr. Clarke, and have seen him often at Cawhyah, in the district of Purneah, at his indigo factory; the European here present is the same Clarke; when my father mentioned to me his having been beaten, I immediately examined him with my hands, and both felt and observed swellings and contusions about one of his temples, his neck, breast, and both of his thighs, and a bruise below one of the calf of his legs; the situation he was in, and the pains in consequence felt, arose, as he said, from the treatment of Mr. Clarke; my father also said, that Dhroop Sing, Mr. Clarke's dewan, gave him four rupees in cash, and two cows valued at nine rupees, as an advance for indigo plants; my father desired me to take the four rupees, and to go before the magistrate of the district, and prefer a complaint in the fouzdarry court against Mr. Clark, in a regular way; and if he should get better, that he would hire a horse and go to Purneah himself; I begged my father to eat something; he said he could not swallow any thing, nor sit up, and besides which, he found himself very restless; upon his expressing himself to be so very unwell, I did not leave him, but continued sitting alongside of him until about the hour of midnight, when he became speechless and fell into convulsions, and began to throw out blood from the mouth and nose; at about two gurries of the night remaining my father died; one gurrey before my father died, I sent Atma and Onoop to inform Mr. Clarke that my father could not live; when Atma and Onoop returned, they informed me that they met Mr. Clarke coming to see my father, and that when they gave him the information of my father's death, Mr. Clarke said, "my going is of no use," and he returned home; No sooner I found my father had expired, than I sent Nunnoo, another person, to inform Mr. Clarke that my father was dead; on the next morning at sunrise, I, with the assistance of fifteen or sixteen other persons, took up the dead body of my father and carried it to Purneah, in order to make a complaint against Mr. Clarke, but in the way I took the dead body of my father into the factory of Mr. Clarke, at Cawbyah, and represented the circumstances, and at the same time I observed, that my father had died in consequence of the beating he had received from him; Mr. Clarke paid no attention to my statement; he got into a buggy, and went to another factory at Phurkyee, which is at the distance of one full coss; upon seeing no kind of regard paid to us, I and my comrades took up the body, and followed him to Phurkya factory, and preserving a due distance from the factory, lodged the dead body on the ground, and waited for Mr. Clark, as I observed his buggy standing on the road; shortly afterwards, Mr. Clarke came out of the Phurkya factory and got into his buggy, and was proceeding towards Purneah; at a short distance from the last-mentioned factory, I laid hold of the bridle of the horse and expostulated with him, when, instead of his hearing me, he gave me a cut with his buggy whip; I did not for all that quit my hold of the bridle of the horse, but secured the bridle with my cloth, and, with the assistance of some of my comrades, I began to lead the horse towards Purneah; while Mr. Clarke continued in the buggy, at the distance of about a coss he dismounted from the buggy, and endeavoured to make his escape; I, with the assistance of my comrades, secured Mr. Clarke with our hands, and I requested him to get into the buggy; Mr. Clarke heard us, and got into the buggy, and on the next morning after sunrise we reached Purneah, and Mr. Clarke wrote a note and dispatched it to Mr. Cornish, the magistrate; shortly after, the magistrate sent some peons to conduct Mr. Clarke before him; I and my comrades, with the body, proceeded to the cutcherry, as directed by the magistrate's peons; sometime afterwards, the magistrate and Mr. Clarke came to the cutcherry, when the magistrate, with his darogah, examined the corpse, in the presence of several other European gentlemen, and on the same day the magistrate took down my deposition, and allowed me to put the corpse into the Ganges; before this was done, the magistrate proposed to me to cut open the corpse, to see what cause led to the death of my father; I remonstrated against it, saying I should lose my cast if it was done; I do not know if Mr. Clarke was put into confinement, because I did not see any person over him; on the eighth day of my arrival at Purneah, I was ordered by the magistrate to go to my house; I went and performed my father's sraud, or funeral obsequies, and after some days I was sent for again, and further examined; about a month and a half ago, I and the other witnesses were sent for, and ordered to proceed to Calcutta, under charge of two peons; Munkhondee, Mr. Clarke's dewan, in the presence of two witnesses, offered me a sum of money to settle the matter, with several other promises, such as making a rich man and his dewan, all of which I refused, and now only seek for justice.

Sworn the day and year first above written, before me,

(Signed) *C. F. Martyn*, Magistrate.

(A true copy.)

(Signed) *A. H. Smith*, Head Clerk.

The

The Information and Deposition of Almah Mundle, taken upon oath before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the town of Calcutta, at Fort William in Bengal, the twelfth day of June 1809; who on his oath; saith, I am a peasant, and an inhabitant of Nimdenpore in zillah Purneah. One day of the full moon remaining, in the month of Poose last, on a Saturday morning, I went to receive advances from Mr. Clark, at his factory in Cabyah in zillah Purneah, and where I saw Monpoor the deceased. A dispute arose between Dhroop Sing and Mr. Clark's sircars, about the price of a pair of bullocks, and for which reason Monpoor refused to receive any advance himself, until he had consulted with Surdoe his employer and others, and rose up to go away. Dhroop Sing sent for him, and told him that he must receive advance, and desired him to set down until he had mentioned it to Mr. Clark. Dhroop Sing went and spoke something to Mr. Clark. Mr. Clark came out of his bungalow, and gave five or seven blows with his clenched fist, upon Monpoor's temple, neck, face, and other parts of his body, when Monpoor fell down on the ground; and then I saw Mr. Clark give Monpoor two or three kicks with the fore part of his foot. Mr. Clark had shoes on at the time, similar to those generally worn by gentlemen. I observed the kicks to strike about the thighs and private parts of Monpoor. I picked up Monpoor's turban when he fell down, and I gave it to him afterwards. Caroo Mundle began to call out "Doal, Doal," and Mr. Clark ordered his servants to seize him, when Mr. Clark went into his bungalow and brought out a whip in order to beat Caroo Mundle; but when Caroo Mundle was brought before him he did not beat him, because Carroo Mundle promised to receive advance. During this time Monpoor got up, and was going towards his house, I saw Munkhondee, Mr. Clark's duwan, go up to Monpoor, and brought him back with some flattering words, and made him receive advance. Moonpoor received four rupees in cash, and two bullocks valued at nine, in the whole thirteen rupees. Monpoor requested of me to conduct the bullocks he had taken to his house; I consented, and he went away. Shortly after, I went and conducted the bullocks, and in the way I met with his children, and told them to take the bullocks to Monpoor's, as they were brought by him; they took the bullocks away, and I went home. Before daybreak in the next morning, some of Monpoor's relations came to my house, and requested of me to go and acquaint Mr. Clark, that Monpoor could not live. I accordingly got myself ready, and almost instantly proceeded, and went to the factory at Phurkger, and informed Mr. Clark of the situation in which Monpoor was. Mr. Clark said he would go and see Monpoor, and got his buggy ready, and he proceeded in it; and I told him, that I could not run by the side of his buggy. Mr. Clark desired me to remain, and follow him. In the way, I met with Nunnoo, who informed me that Monpoor was dead. I observed Mr. Clark had gone into Cabyah factory; I went and informed him, that Monpoor was dead. Mr. Clark said, he could not help it. I went to Monpoor's house, and saw him lying dead. Shortly afterwards, I and the deceased's son, and several others, took up the corpse, with a resolution to take it to Purneah, and prefer a complaint against Mr. Clark. In the way, at a place called Khurentta we met with Mr. Clark, when Hollan's, the deceased's son, and some others, secured him; and the son said, "Sir, you have killed my father, and I shall not suffer you to run "away, but will deliver you over to the magistrate; and likewise, I will produce the corpse "of my deceased father before that gentleman." Mr. Clark once dismounted from the buggy, and attempted to run away, when the son of the deceased secured him, and repeated what I have already stated, that he would not suffer him to escape. Mr. Clark seeing no alternative, went into the buggy, and suffered himself to be conducted until he was taken charge of by the magistrate, Mr. Cornish, at Purneah, who examined the corpse of the deceased, and took down my deposition; and after some time I was sent down to Calcutta with others. The European now here present, Mr. Clark, is the very person who beat Monpoor in the manner I have described. I saw Monpoor a day before this occurrence took place, when he appeared to be in perfect good health.

The mark of
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Almah Mundle.

Sworn the day and year first above written, before me,
(Signed) *C. F. Martyn*, Magistrate.
(A true Copy.) (Signed) *A. H. Smith*, Head Clerk.

The Information and Deposition of Caurroo Mundle, taken upon oath, before me Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the town of Calcutta, at Fort William in Bengal, the twelfth day of June 1809; who on his oath saith; I am a peasant, and live at Nundinpore in zillah Purneah. One day of the full moon remaining, in the month of Poose last, on a Saturday, in the morning, I accompanied Monpoor Biswas to Mr. Clark's factory, situated at Cunbyah in the above zillah, in order to receive advance for indigo plants. I, and Monpoor, on our arrival at the factory, went to Dhroop Sing, Mr. Clark's sircar, who requested us to receive fresh advances; upon which Monpoor Biswas said he had no bullocks to plough his ground, and therefore he could not receive fresh advance. Dhroop Sing sircar said, take bullocks from the sircar, meaning from Mr. Clark. Dhroop Sing sircar desired me to go and bring two bullocks from a number that were grazing in a field near to the factory. I accordingly went and brought two bullocks before Dhroop Sing sircar, who said the value of them was ten rupees; upon which Monpoor replied, that they were not worth more than seven, or at the most eight rupees. Dhroop Sing sircar said he would not take less than ten rupees. Monpoor refused taking the bullocks. Dhroop Sing sircar then offered Monpoor money. Monpoor said he could not take money, until he had consulted his son and Surdharam Cayet his employer. Dhroop Sing sircar told Monpoor, "You shall not be allowed to go away from here until you receive advance." In

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this interval, Mr. Clark came out of his bungalow, and went near Dhroop Sing sircar, and asked him the reason of the people's making a noise; upon which Dhroop Sing sircar told Mr. Clark, "Sir, Monpoor does not wish to receive advance." Mr. Clark also asked Monpoor the reason of his refusing to take advance; Monpoor said he could not receive any until he had consulted his son. Monpoor was then standing very near Mr. Clark, who upon hearing Monpoor's refusing to receive the advance, he, Mr. Clark, began to beat him with his clenched fist, about Monpoor's face, neck, and head; and Mr. Clark also kicked him about Monpoor's legs and private parts, which brought Monpoor instantly flat on his back to the ground; and while he was lying in this condition, I saw Mr. Clark give him a kick, which struck him on the private parts. Monpoor, upon receiving the kick, began to cry out "Father, Father." I began to cry out, "Daac Company, Daac Company," and ran at a distance. Mr. Clark gave orders to his servants to lay hold of him, when about seven or eight of them came and seized and carried me before Mr. Clark; and Mr. Clark brought out a whip to strike me with, but he did not do so, and he asked the reason for my making a noise. Mr. Clark after this, went into the bungalow, and I went away to my house, leaving Monpoor in the aforesaid factory. On the same evening, about one pohore, or eight o'clock, I went to the house of Monpoor, in order to see him; when I got into the house, I saw Monpoor laying down on a mat, and I told him to take his victuals. Monpoor said he could not, because he was not able to swallow any thing, and that he found his liver bursting. On Friday, the day before he was beaten, I saw him take his victuals as usual, twice, once in the morning and once in the evening; and besides which, he appeared to me to be in very good health. I left him and went to my own mansion, which is situated very near to that of Monpoor; very early, before daylight, I heard Monpoor's sons, Hoolans and Coskie, crying; I went and saw Monpoor in convulsions and bleeding much from his nose and mouth, and he expired at daybreak. On the following morning, I accompanied Monpoor's corpse, with several others, and carried it to Purneah; and in the way, at Khurentta, we saw Mr. Clark going in a buggy towards Purneah. Hoolans, the eldest son of the deceased, upon seeing him, secured him, by laying hold of the bridle of the horse, when I saw Mr. Clark give Hoolans a cut with the buggy whip he had in his hand at the time; nevertheless, Hoolans and Coskie, another person that was with us, secured the horse with their cloaths, by tying their cloaths with the bridle, and in this manner they led the horse, while Mr. Clark continued in the buggy. On the Monday following, in the morning, we arrived at Purneah, Mr. Clark in the way, once dismounted from the buggy, and attempted to run away; but the sons of the deceased and some others prevented his escaping; and when he saw no alternative he got into the buggy, and suffered it to be led until we arrived at Purneah, and delivered him over to the magistrate. Mr. Cornish, who examined the corpse, and took my deposition, and some time afterwards sent us to Calcutta. The European here present is Mr. Clark; and he is the same person that beat Monpoor at his factory at Cunbyah, as I have before described. I have every reason to suppose Monpoor died in consequence of the beating he had received from Mr. Clark; because I saw him throw up much blood from his mouth and nose; and besides, the deceased complained to me that he could not swallow any thing, and that he felt pains about his neck, breast, and other parts of his body.

Sworn the day and year first above written, before me.

(Signed) *C. F. Martyn*, Magistrate.

(A true copy.) (Signed) *A. H. Smith*, Head Clerk.

The Information and Deposition of Tillokee Mundle, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the town of Calcutta, at Fort William in Bengal, the fifth day of June 1809; who, on his oath saith; I am an inhabitant of Nundunpore, in zillah Purneah, and following the occupation of a peasant. One Saturday morning in the month of Poose last, the date I cannot recollect, in consequence of a message which I received from Mr. Clark's servant, to come and take advance, I, Atma Monpoor Mundul, and Cawroo Mundul, went to Mr. Clark's indigo factory, situated at Cawbyah in the above zillah; we went to Dhroop Sing, Mr. Clark's sirkar, who desired us to wait a little, that he would give us our advances. One ghurry after we went to Munkhurdhe Mundul, a person in the service of Mr. Clark, who also desired us to wait for one ghurry, and that he would see our advances given to us. About half a ghurry after this conversation, Monpoor Mundle went to Dhroop Sing sirkar, who desired Monpoor to choose two bullocks, and take them to him; Monpoor and Atma remained by the sircar, I and Cawroo Mundle went to the place where a number of bullocks belonging to Mr. Clark commonly graze in a field, and brought three into the factory, two for Monpoor, and one for myself. In the way I met Munkhurdhe Mundul, who asked me the reason and by whose order I was taking the bullocks away; I answered, that the sirkar had desired me to take two bullocks before him; upon which I left the one, and carried two before the sircar, who said to Monpoor, the price of them is ten rupees. Monpoor offered to give eight rupees for them; the sircar refused to let him have them for that price; upon which I and the other person before mentioned, took our leave of the sircar, and said, we were going to our houses. The sircar said he would not suffer us to go away, unless we received advances and executed bonds for the same; Monpoor observed to the sircar, that he used to receive advances in the month of Assum (September) why now in Poose (December) and he refused to receive the advance, until he had seen his ground. The sircar went and informed Mr. Clark, who said to Monpoor, "you must take your advance to-day." Monpoor refused, as before; upon which Mr. Clark gave Monpoor five or six blows with his

his clinched fist about Monpoor's face and neck. On receiving the blows, Monpoor fell down on the ground, when I saw Mr. Clark likewise give to Monpoor two or three kicks with the fore part of his foot; he then had on shoes. I and my comrades that went with me on seeing Mr. Clark beating Monpoor, began to cry out, "Doie sahebka, doie sahebka;" when Mr. Clark asked the sircar who we were. The sircar said, that we were Monpoor's brother's; then Mr. Clark gave orders to some of his peons to lay hold of Cawroo Mundul, and bring him before him, Mr. Clark; Cawroo Mundul was seized and taken before Mr. Clarke; I likewise followed him, and assigned the reasons of our crying out for mercy, that is, because he had beat Monpoor Mundul. Monpoor Mundul was going away, when Munkhundhee, Mr. Clark's mundul, went up to him, and entreated of him very much with flattering words, to receive his advances; whereupon Monpoor Mundul came and received four rupees in cash, and two bullocks which had been valued at nine rupees, in all making thirteen rupees; and on the receipt of them he executed a Bengal bond, as usual. Monpoor and Atma went away from the factory, and I remained for one ghurry, and went away to my house after dusk. On the same night, after I had taken my victuals, I went to the house of Monpoor, which is at a short distance from mine. I found Monpoor lying on a mat, and his victuals ready; I requested of him to take his victuals, when he mentioned to me, that he found himself unwell, and his throat so swollen, that he could not swallow any thing; this, he said, was in consequence of the beating he has received from the sahib, meaning Mr. Clark. I remained with Monpoor for a short time, and went to my house. On the third day I was informed of Monpoor's death. I was afterwards taken to Purneah, before the magistrate, where I gave my deposition. I did not see the corpse of Monpoor. The European here present is called Mr. Clark, and he is the person that beat and kicked Monpoor in the manner I have before described.

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Sworn the day and year before written, before me, *Tillokee Mundle.*

(Signed) *C. F. Martyn*, Magistrate.

(A true copy.)

(Signed) *A. H. Smith*, Head Clerk.

DEPOSITIONS in the Case of JAMES TICHBORNE.

THE Information and Deposition of Ram Golaum, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the town of Calcutta, at Fort William in Bengal, the fourteenth day of June 1809; who on his oath, saith; I have been in the service of Mr. Tichborne for five years past, as a gomastah, and continued in this capacity until the month of Assim, or September 1808, when, one day in that month, which I do not recollect, I was put under the charge of a peon of Mr. Tichborne's, and kept in his house until the next day, when Mr. Tichborne sent me under charge of a peon, named Seetoram, belonging to the court of the magistrate Mr. Ahmuty, under an accusation of having made away with four thousand five hundred and seventy-two rupees. The magistrate called upon me to give an answer to Mr. Tichborne's complaint. I presented a petition to the Court, that an aumeen might be deputed to examine my accounts. The magistrate did not comply with my request, but sent two office peons with me back to Mr. Tichborne's house, to prepare my accounts, and then bring them to him; I accordingly returned to Mr. Tichborne's house, and desired his sircar, Raghoobunse Lall to make out the accounts. Mr. Tichborne would not permit him to do so, but beat him with his fist, and kicked him. In consequence of this treatment, the nephew of Raghoobunse Lall presented a dhurkhaust to Mr. Ahmuty, and another chuprasy was sent from the Court to prevent Mr. Tichborne from beating the persons who were preparing the accounts. During the time the accounts were preparing (about a month) I was kept under constraint in the bungalow of Mr. Tichborne, with the peons over me by day, and Mr. Tichborne's people by night. At last the accounts were got ready, and on Mr. Tichborne seeing that there was a balance in my favour, he ordered a number of his people, consisting of sepoys and others, to take charge of me, and to conduct me into his boat, which lay at Dum Duma ghaut, at Chomckpore, about a coss distant from his bungalow. I remonstrated with Mr. Tichborne, and represented, that as I had given security to the Court, and the accounts were ready, I was desirous to go before the Court. He said, "Do you wish to have your employment? I will not discharge you at present, and will expend two thousand rupees to take away your life." This was in the presence of Seetaram, chuprasy, Emaum Ally, or Emaumbaux, chuprasy, Basout Lall, Roghooburse Lall, Jaddoopersaud, and Kullot. The chuprasies said to Mr. Tichborne, "you are taking Ram Gholaum to Rajpore, what orders do you give to us?" Mr. Tichborne replied, I am taking him to Rajpore, do you go also. The chuprasies replied, we cannot go without the Judge's order. Mr. Tichborne then said, "what, are you talking about the Judge's order? You may go away." This was about the middle of Cattick, I do not recollect the particular date. Mr. Tichborne ordered me to be taken from the bungalow to Dhoom Dhooma ghaut, at Gorruckpore, where I was put on board an oulac. He himself came there shortly afterwards, and got into the boat, and we proceeded to Rajpore; four days after leaving Dhoom Dhooma ghaut we reached Rajpore, the distance being about twenty coss. At Rajpore, Mr. Tichborne desired me to procure him some dandies. I answered, that being in confinement, I could not procure any; whereupon Mr. Tichborne gave me several blows with his fists, and kicked me, and threw

me

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me down; afterwards he tied me up by the hands to one of the bamboos which supported a pal or sail, as a cover which he had pitched on the bank of the river near the ghaut, at Rajpore. When I was tied up to the bamboo, Mr. Tichborne pulled my mustachios violently; then took a walking cane and threatened to poke into my face, but did not strike me with it. I remained tied up to the bamboo, as I have described, for about four gurries, or about an hour and a half. He then untied me, and sent me on board the boat which lay at the ghaut. On the following day, the boats set off from Rajpore, and were proceeding to Calcutta; when we had proceeded about two coss, one of Mr. Tichborne's boats sunk. There were sixty boats laden with timbers, which Mr. Tichborne then desired to be anchored for the night. He then sent for me, and desired that I would pull the tow rope of his budgerow along with the dandies. Ojoodya Persand, and Raghoobunse Lall, were also desired to pull the tow rope of the budgerow; and Mr. Tichborne said to us, it is through the fault of you three that the boat has sunk; when Mr. Tichborne's budgerow arrived in the evening, at the place where the boat had sunk, Mr. Tichborne had sent me, Ojaadya Pursand, and Raghoobunse Lall, to drag the boat which had sunk; and we went into the water up to the middle, and endeavoured to drag the boat on shore, but were not able; night coming on, she was left there, and Mr. Tichborne kept us three in the same boat, with our wet clothes on, under charge of chuprasies; we remained sitting upon one of the four beams which were laid across the boat for the purpose of fastening the timbers to, all three wrapt in one blanket. It was very cold, and we continued there without victuals, and under charge of a chowkedar named Cutloot, who was sent in a dingy to watch us, that we might not make our escape. We were landed on the next morning, and after changing our clothes and taking some refreshment, we proceeded to Bhagulpore, where another boat sunk, and Mr. Tichborne again sent for me, and desired me to bring a boat in the room of the second boat which had sunk. I represented to him that I was in confinement on board the boat, and had no charge of any thing, how could I bring a boat? He then gave me one blow with his clenched fist in the cheek, and put me in charge of one of his sepoys. Two or three days afterwards, we arrived at Darraly, where Mr. Tichborne forcibly took possession of all my papers and accounts, and then he beat me with a rope. Mr. Tichborne went away, leaving me in charge of Mr. Robinson and Ram Sing, chuprasy, who conducted me from village to village; and when we arrived at Revel Gunge, a chuprasy of Mr. Ferguson, the magistrate of Chupra, and Mr. Tichborne, came on board of the boat where I was detained, and Mr. Tichborne delivered me over to the chuprasy of Mr. Ferguson, who took me before that gentleman on the third day, where I was maintained at the expense of that gentleman, and he took down my deposition, and sent me to Benares; Cuttoah, one of Mr. Tichborne's chuprasies, was placed over me at the time of leaving Goruckpore, and in whose custody I remained until I was brought to Durraly. I was put into the charge of Ram Sing, another peon of Mr. Tichborne, who brought me from thence to Revil Gunge, from whence I was taken, by the magistrate's peon, to Chupra.

Signed by *Ram Gholaum.*

Sworn the day and year first above written, before me,

(Signed) *Chas F. Martyn*, Magistrate.

(A true copy.)

(Signed) *A. H. Smith*, Head Clerk.

The Information and Deposition of Sookhloll Sookul, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the Town of Calcutta, at Fort William in Bengal, the fourteenth day of July 1809; who, on his oath, saith; That I am an hurcara, a Brahmin by cast, and native of Jillalpore, in zillah Mozufferpore, within Soobha Behar. I have been little more than a year in the employ of Mr. James Tichborne, timber merchant, at Billeher in sircar Sarun, under the Sooba Behar, in the capacity of a hurcara. I know Ramgolam; he is Mr. Tichborne's gomastah. In Cartick (October) last, Mr. Tichborne went to Goruckpore in zillah Goruckpore, in Soola Oude, under the English dominions, in order to institute a suit against his gomastah, Ramgolaum, who lived at Gorruckpore aforesaid, and I accompanied Mr. Tichborne. He instituted a suit in Cartick (October) last, for five thousand five hundred and seventy-two rupees, against Ramgolum, before the Judge at Goruckpore, charging Ramgolaum with having made away with this sum, and Ramgolum being sent for, while the Court moonshee was interpreting to Ramgolam, I understood that Mr. Tichborne wanted of the Judge either to cause Ramgolum to pay the money, or to put him in confinement; and that the Judge replied, that he could do neither, unless an investigation was made; and Ramgolum entered into particulars of the purchases he made for Mr. Tichborne, in his defence; whereupon the Judge directed a chuprassy, named Sitarum, to go with Ramgolum and see that the accounts of the mootsuddies of both the parties were compared, and to bring them to the Court; eight days after this, when the accounts were got ready, Mr. Tichborne directed his chuprassy, Catlay Khan, to carry Ramgolum to a budgerow on the Raplee, the Goruckpore river; upon which Sitarum, the Judge's chuprassy, said to Mr. Tichborne, I was deputed to have the accounts compared and closed; they are done so; you have directed that Ramgolum be carried to the budgerow. What do you direct me to do? Mr. Tichborne said, you will also go with me, I am going to Rajpore; the chuprassy said, get me orders from the Judge to go with you, and I will do so; upon which Mr. Tichborne said, I do not know intricate words (oolta poolta lat) about the Judge, go away; and Sitarum went away; and the same day Mr. Tichborne set off for Rajpore in the above Goruckpore zillah, and Ramgolum likewise proceeded in another boat; we arrived at

Rajpore

Rajpore in about eight days, and on the day following our arrival at Mulla (a dundee) of a boat laden with timbers ran away, upon which Mr. Tichborne sent for Ramgolum, and required him to produce the mulla; he replied, you have confined me, from whence can I bring the mulla? upon which Mr. Tichborne struck Ramgolum with his clenched fist, kicked him, and pulled him by his whiskers, and bound him to the post of a temporary shed, which had been erected to keep off the sun for Mr Tichborne's convenience, and Ramgolum continued bound to the post for about two gurries; after which I was directed to untie him, and Kulloot hircara to watch over him on board the oolack; on the morning following, I was directed to go with the boats under my charge, and advance before the rest, and arrived at Bhaugalpore in the above zillah Goruckpore, after two days. After my arrival, Mr. Tichborne also arrived with the other boats. A boat had sunk one day before Mr. Tichborne's arrival, and he came and sent for Ramgolum, and required him to give a boat, instead of the one which had sunk; Ramgolum replied, he could not, as he had been all along in confinement; upon which Mr. Tichborne flew into a passion, and beat Ramgolum with his double fist. After this circumstance I went on the boats of which I had the charge, and thence proceeded to Darrowly in Sircar Sarim, within Soola Behar, from whence I came to Revil Gunge, in the above Soola Behar. I did not see any further ill-treatment received by Ramgolum, than what I have already related.

(Signed in the Nagree character, by the witness.)

Sworn the day and year before written, before me,

(Signed) *Charles F. Martyn*, Magistrate.

(A true copy.)

(Signed) *A. H. Smith*, Head Clerk.

The Information and Deposition of Kulloot, taken upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace, in and for the town of Calcutta, at Fort William in Bengal, the 13th day of June 1809; who, on his oath saith; I am an hircara, and a native of Hansoopore, in the town of Gorruckpore, in zillah Gorruckpore, in Sooba Oude, in the English dominions. In October last I entered into the service of Mr. James Tichborne, in the capacity of a hircara, at Gorruckpore aforesaid, where Mr. Tichborne had come upon some business; about twenty days after I had been in his employment he directed, one day, his hircara, Giridharee, and a sepoy in his service, named Bhowanee, in my presence, to take Ramgolaum, his gomasta, into custody, and carry him on board a boat which was on the Gorruckpore river, called the Ruptee, upon which Ramgolaum said to Mr. Tichborne, you have had my accounts and papers explained to you, why will you ruin you? to which Mr. Tichborne replied, you want to get released; I will spend two thousand rupees, and take your life away, by dissolving you (gullae kemarda lega); after these words, Ramgolaum was taken to the boat by the two above-mentioned persons; I continued standing at the door of Mr. Tichborne's bungalow at Gorruckpore aforesaid, when Sitaram, a chuprassy in the employment of the Judge of Gorruckpore, said to Mr. Tichborne, "What are your orders as to me?" Mr. Tichborne said, I am going to Rajpore, do you also come along with me; the chuprassy Sitaram said, if you get the Judge's order I will go; to which Mr. Tichborne said, go away; I do not know the Judge, and the chuprassy went away; on the day following, Mr. Tichborne got on board of another boat, and went to Rajpore, for which place I also set off by land the same day, and arrived at Rajpore, which is about twenty coss from Gorruckpore, in the above zillah of Goruckpore, after two days, and staid there for two days more, waiting Mr. Tichborne's arrival; and four days after his coming there, a mulla of a boat laden with timbers, belonging to Mr. Tichborne, ran away; upon which Mr. Tichborne sent for Ramgolaum aforesaid, from the boat where he was in custody, and required Ram Gholam to produce the mulla, Ram Gholam said, I have been in confinement; where can I bring the mulla from? whereupon Mr. Tichborne knocked Ram Gholam down, bound him to the post of a temporary shed, which had been made with boat sails to keep off the sun for Mr. Tichborne's use, and began pulling his whiskers, and menaced him with a rattan which Mr. Tichborne held in his hand, but did not strike him with it; some few days after this, I cannot say how many, Mr. Tichborne and all of us set off from Rajpore, and proceeded the distance of about two coss in the Gorrukpore zillah, when a boat laden with timbers grounded on a shoal; Mr. Tichborne made all his people, as also the said Ram Gholam, and one Ojaadea Persaud, and one Raghoo Bungsee Lall, pull the boat the whole day, in order to extricate it, but which not being effected, Mr. Tichborne directed me to keep the above-named three persons, Ram Gholam, Ojaadea Persaud, and Raghoo Bungsee Lall, in custody, on a dingy, and I, as likewise one Callay Khan, hircara of Mr. Tichborne, kept them under watch the whole night in the dingy, and on the morning following they were put on a large boat under mine and the above Callay Khan's custody, and we proceeded for Bhagulpore, in the above zillah of Gorruckpore, where on our arrival a boat sunk, and Mr. Tichborne had Ram Gholam taken to him, and he beat Ram Gholam with his clenched fist, saying, that the boat had sunk by his means; he then desired Bhowany, sepoy, to take Ram Gholam to the thanna, but the thannadar would not confine him; Chooly Lall, Mr. Tichborne's mutsuddy, went about four gurries afterwards and brought him away; some few days after this, I cannot say how many, but suppose less than a month, we arrived at Durraly, under the chupra jurisdiction in zillah Sarun, within Sooba Behar, and in the evening Mr. Tichborne forcibly took all the papers and accounts from Ram Gholam's mutsuddies, Ojaadea Persaud and Roghoo Bunsee Lall, and also from Choony Lall, Mr. Tichborne's mutsuddy; and the next morning Mr. Tichborne sent for Ram Gholam and his two mutsuddies, and

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asked them for some paper; I do not know what paper; I do not know what answer was given; but Mr. Tichborne beat Ram Gholam and Raghoo Bunsee Lall with a rope, after which I was relieved by Ram Sing, chuprassy, and Mr. Tichborne sent me to Patna, on a boat laden with timbers.

The mark of ⋈
Kulloot.

Sworn the day and year first above written, before me,
(Signed) *C. F. Martyn*, Magistrate.

(A true copy.)
(Signed) *A. H. Smith*, Head Clerk.

The Information and Deposition of Bheekook, taken, upon oath, before me, Charles Fuller Martyn, one of His Majesty's Justices of the Peace in and for the town of Calcutta, at Fort William in Bengal, the 14th day of June 1809; who, on his oath, saith; I have been four years in the employment of Mr. Ja[s] Tichborne, timber merchant at Belliher, in Surcar Sarun, within Sooba Behar, in the capacity of a bullock driver; and, before that time, I used to be employed in tillage, and other rural business. I am an Aheer by cast, and native of Cuttar, in zillah Gorruckpore. In Cartick last, when I went for my salary to Gorruckpore, in zillah Gorruckpore, in Sooba Oude, under the English dominions, where Mr. Tichborne had gone, Mr. Tichborne told me, that he could not pay it to me, because Ram Golaum, his gomastah, and Rugbunselall, his mootsuddy, were not at Gorruckpore, but at Rajpore. Two days after this I went to Rajpore; and while I was there, I saw, one day, Mr. Tichborne beat Ram Golaum; when he first kicked, then knocked him down by shoveing him in the neck, and bound him to a post belonging to a shed, which had been erected by Mr. Tichborne; and Ram Golaum continued thus bound for about two ghurries, after which he was untied. Some days after this, I do not know the length of time that had elapsed, we arrived at Derrawly, in Surcar Sarun, within Sooba Behar, where I saw, upon one day, while standing on shore, Mr. Tichborne hold a small written paper in his hand, on board the budgerow, which was at the distance of about twenty or twenty-five cubits from me, and say to Ramgolaum and Rug Cunselott, who were also in the same budgerow, what sort of paper is this? (i.e. Keysa Kajeezhey) shewing the paper to them, and beating them at the same time with a rope; whereupon Ramgolawm said, "I do not know how to read and write; if one was to read it over to me, I could then say what paper it is." Seeing and hearing this, I went away from thence, and did not see any further violence used by Mr. Tichborne on Ramgolaum. Ramgolaum was under confinement, as I saw him at Rajpore aforesaid, and Bhaugulpore in Gorruckpore above mentioned, and at the said Derrowly, always under charge of peons, who watched him at his bathing time, and at other avocations, and necessary calls.

The mark of ⋈
Buhkoopk.

Sworn, the day and year first above written, before me,
(Signed) *Cha. F. Martyn*, Magistrate.

(A true copy.)
(Signed) *A. H. Smith*, Head Clerk.

THE Governor General in Council having taken the foregoing cases into mature consideration, resolves, that the licences for residing in the interior of the country, held by the following persons, be withdrawn:

Mr. J. L. Turner.
R. S. Douglas.
T. Gardiner.
T. Clark.

Ordered, That the necessary information be transmitted to the Magistrates of Tirhoot, Sarum, Nuddiah, and Puneah respectively.

Ordered, That the Company's attorney be directed to report, whenever the period of imprisonment to which Mr. Tichborne has been sentenced, may expire. His Lordship in council will then pass such further orders respecting that person as may appear to Government to be proper.

Ordered, That a copy of such parts of the above Depositions, in the case of Mr. Douglas, as relate to the establishment of a haut by Mr. Moran, be transmitted to the Board of Revenue, with directions to make the necessary enquiries on the subject, and report to Government the result.

The

No. 5.

Further Extracts from Bengal Judicial Cons. 20 July 1810:—Offences committed in the interior of the Country.

The following Circular Order was transmitted to the several Magistrates throughout the provinces, on the 13th instant:

(Circular.) To the Magistrates.

Sir,

THE attention of Government has recently been attracted in a particular manner to abuses and oppressions committed by Europeans, who are established as indigo planters in different parts of the country. Numerous as those abuses and oppressions have latterly been, the Right Honourable the Governor General in Council is still willing to hope, that this imputation does not attach to the character of the indigo planters generally, considered as a body or class of people. The facts, however, which have recently been established against some individuals of that class, before the Magistrates and the Supreme Court of Judicature, are of so flagrant a nature, that the Governor General in Council considers it an act of indispensable public duty, to adopt such measures as appear to him, under existing circumstances, best calculated to prevent the repetition of offences, equally injurious to the English character and to the peace and happiness of our native subjects.

The offences to which the following remarks refer, and which have been established beyond all doubt or dispute against individual indigo planters, may be reduced to the following heads:

1st. Acts of violence, which, although they amount not in the legal sense of the word to murder, have occasioned the death of natives.

2d. The illegal detention of the natives in confinement, especially in stocks, with a view to the recovery of balances alleged to be due from them, or for other causes.

3d. Assembling in a tumultuary manner the people attached to their respective factories and others, and engaging in violent affrays with other indigo planters.

4th. Illicit infliction of punishment, by means of a rattan or otherwise, on the cultivators or other natives.

You must, of course, be sensible, that it is your bounden duty to bring every act of violence of the above nature to the knowledge of Government, and under the cognizance of the Supreme Court of Judicature. In order, however, to prevent, as far as depends on the Executive Government, the repetition of any offence of that nature, the Governor General in Council desires, that you will particularly attend to the following instructions:

First. You will take the necessary measures to ascertain without loss of time, whether any of the indigo planters, resident in the district under your charge, keep stocks at their factories; and, if so, you will require them immediately to destroy the stocks. Should any hesitation occur on the part of the indigo planters, in complying with this requisition, you will report the circumstance to Government, when the Governor General in Council will order such person to quit the district, and repair to the Presidency.

Second—Without encouraging vexatious and litigious complaints, you will exert yourself to prevent the practice Government has reason to believe is too prevalent on the part of the indigo planters, of inflicting illegal corporal punishment on the ryots and others. Whenever cases of this nature may occur, which may not appear to be of so aggravated a nature as to form the ground of a criminal prosecution in the Supreme Court of Judicature, you will report the facts to Government, in order that his Lordship in Council may take into his consideration the propriety of withdrawing the licence which the offender may have obtained, for residing in the interior of the country.

Third—As opportunities may arise of personal communication with the indigo planters, you will endeavour to impress on their minds, the firm determination which the Governor General in Council has adopted, not only uniformly to prosecute all offences of the above description, which can properly be brought under the cognizance of the Supreme Court, but likewise to exercise to the utmost extent, the powers possessed by the Governor General in Council, of preventing the residence of any European in the interior of the country, who shall not conform to the spirit of the present resolutions of Government.

Fourth.—Should it occur to you that any other measures can be adopted, calculated for the attainment of the important objects above noticed, you are desired to submit your sentiments on the subject to Government.

I am, &c.

Council Chamber, the 13th July 1810.

(Signed) *Geo. Dowdeswell.*
Secretary to Government, Judicial Department.

On the 13th instant, Copies of the above Order were transmitted to the Nizamut Adawlut, and to the several Provincial Courts, with directions to afford their aid to the full extent of the legal powers vested in those Courts, in giving effect to the resolutions of Government contained therein.

There

No. 5. Further Extracts from Bengal Judicial Cons. 20 July 1810:— Offences committed in the interior of the Country.

There being grounds to apprehend, that many of the manufacturers of indigo are in the habit of compelling the ryots to receive advances for the cultivation of the indigo plant;

Ordered, That the following Supplementary Orders be transmitted to the several Magistrates throughout the Provinces:

(Circular.) To the Magistrates.

Sirs,

In continuation of the Orders of Government of the 13th instant, I am directed to acquaint you, that the Right Honourable the Governor General in Council has reason to believe, that European indigo planters are in the habit of obliging the ryots who reside in the vicinity of their respective factories, to receive advances, and of adopting other illicit and improper means to compel them to cultivate indigo. You are accordingly directed to report all instances of that nature which may come to your knowledge, and which you may consider to be founded in fact, to the Governor General in Council, in order that Government may take into its consideration the expediency of withdrawing the offender's licence to reside in the interior of the country, and at the same time adopt such other measures as the circumstances of the case may appear to require.

I am, &c.

Council Chamber, the 20th July 1810.

(Signed) *Geo. Dowdeswell*,
Secretary to Government, Judicial Department.

Ordered, That Copies of the above Supplementary Orders be transmitted to the Nizamut Adawlut, and the several provincial Courts, in continuation of the Orders of the 13th instant.

—No. 6.—

Copy of a LETTER from the Governor General in Council, to the Secret Committee of the Court of Directors, dated 2 November 1807; relating to THE MISSIONARIES.

To the Honourable the SECRET COMMITTEE of the Honourable the Court of Directors.

HONOURABLE SIRS,

WE deem it proper to avail ourselves of the dispatch of the honourable Company's extra ship the General Stuart, to report to your honourable Committee, our Proceedings on the subject of a Pamphlet, printed in the Persian language at the press of the Society of Missionaries established at Serampore; purporting to be an address to all persons professing the Mahomedan religion; which we had reason to apprehend had obtained circulation in the city of Calcutta; and which contained the most direct and unqualified abuse of the principles and tenets of that religion, and of its Founder. After having regularly related the whole course of our proceedings on this occasion, we shall submit to the consideration of your honourable Committee, such remarks in addition to those recorded on our proceedings, as the subject appears to us to render necessary.

2. The pamphlet in question was delivered to the secretary in the secret, political, and foreign departments, by the professor of Arabic and Persian in the College of Fort William, who received it from the chief native preceptor in that department; who stated, that it was put into his hands by the son of a Mogul merchant residing at Calcutta, with a request that he would prepare an Answer to it, with a view to vindicate the credit of their common religion.

3. Enclosed we have the honour to transmit a translation of such parts of the pamphlet, as relate to the character of the Mahomedan religion, and of its Founder. (No. 1.) see page 47, infra.

4. On a perusal of the above-mentioned document, we recorded the following Observations and Resolutions:—That the language of that extract was in the highest degree injudicious and improper; and exclusively calculated to irritate the minds, and inflame the religious zeal of the class of musselmen to whom it is addressed. That the public safety, therefore, might seriously be endangered by the diffusion of this pamphlet. That the public faith had repeatedly been pledged, under the express injunctions of the Legislature, to leave the inhabitants of these dominions in the full, free and undisturbed exercise of their respective religions. That to permit the issue and diffusion of a publication containing the most direct and unqualified abuse of the principles and tenets of the religion of the country, proscribing its ordinances, and vilifying its founder and professors, would be a departure from that principle of toleration which the Legislature had prescribed, which this Government had uniformly professed, and to which its faith was solemnly pledged.

5. That it was the duty of Government, therefore, with a view both to the public safety and to the maintenance of public faith, to oppose the circulation and prevent the revival of such inflammatory publications. That the full extent of the measures which it might be necessary to adopt for this purpose, must depend upon the receipt of further information with regard to the manner and the degree in which the pamphlet had been circulated; but that the object of immediate urgency was to suppress the further diffusion of it. That with this view, it would be proper immediately to apply to the authority of the Governor of Scrampore (the press of the Missionaries being established under the license and protection of the Danish government) requesting his Excellency to prohibit the issue of any more copies of the pamphlet in question, or of any other publication of a similar description; to require the Missionaries to deliver up all the remaining copies of it; and to ascertain from the Missionaries to what extent, and in what manner, the pamphlet had been circulated, with a view to enable this Government to counteract its dangerous effects in those places within the limits of the British authority or influence to which it might have been conveyed.

6. In conformity to the preceding resolutions, we addressed a Letter to his Excellency the Governor of Serampore, of which a copy is enclosed for your honourable Committee's information. (No. 2.)

7. We at the same time directed the secretary to send for the Rev. Mr. Carey (the principal member of the Society of Missionaries, and at present holding the situation of Professor of the Sanskrit and Bengallee languages in the College of Fort William) to interrogate him on the subject of the pamphlet, and to require him to employ every means in his power for the purpose of preventing the further diffusion of the pamphlet, and of withdrawing it from circulation.

8. We have the honour to transmit, enclosed, a copy of the Secretary's Report of his consequent conference with Mr. Carey. (No. 3.)

No. 6. Letter from Govr Genl 2 Nov. 1807; relating to Missionaries.

9. Your honourable Committee will observe, that Mr. Cary disclaimed all knowledge of the pamphlet in question; stating, that although the Society of Missionaries was in the habit of issuing publications on the subject of the religion of the Hindoos, calculated to convince them of its errors and to convert them to Christianity, the society systematically avoided the language of irritation and abuse, of which he admitted the impropriety and inutility. That he was convinced, that although the pamphlet in question had certainly issued from the press of Serampore, and must consequently be supposed to have undergone the revision of one or more of the Society of Missionaries, none of the society were apprized of the improper language which was introduced into it; observing, that none of them being conversant in the Persian language, they might not have been aware of the force of the expressions which it contained; and that the pamphlet might probably be the composition of one of their proselytes, among whom were a few originally of the Mahomedan faith. Your honourable Committee will further observe, that Mr. Carey was ready to engage (if such should be the pleasure of Government) that no publications should issue from the press of Serampore, without being previously approved by Government; observing, that the Missionaries were disposed to conform, in all respects, to the wishes of Government; and expressing at the same time a hope that it was not our intention to prohibit them from endeavouring to convert the natives by the only means which they were disposed to employ—fair argument and persuasion.

(No. 4.) 10. From a Letter received from Mr. Carey, subsequently to this conference, (a copy of which Letter is also enclosed) it appeared that the pamphlet had been printed about two months; that about 300 copies had been distributed in the vicinity of Calcutta, and that no copy had been sent to any part of the country.

(No. 5.) 11. We have further the honour to transmit, enclosed, a copy of the Reply of his Excellency the Governor of Serampore to our Address above referred to; from which your honourable Committee will observe, that his Excellency engaged that the remaining copies of the pamphlet should be delivered up, and that similar publications should not be permitted to issue from the press of Serampore.

12. At our consultation in the secret department of the 8th of September, the Secretary reported to us, that having desired Mr. Blaquiere, one of the magistrates of the town of Calcutta, to adopt measures with a view to ascertain the proceedings of the Missionaries in disseminating pamphlets of the nature of that which was submitted to Government at the last meeting of council and in meetings stated to be held within the town of Calcutta, for the purpose of exposing to the native inhabitants the errors of their religion, and of persuading them to adopt the Christian faith, Mr. Blaquiere had attended the Secretary's office, and informed him, that being apprized of the practice adopted by the Missionaries, or their converts, of preaching to the multitude every Sunday at a house in the city engaged for that purpose, he had directed a person in his employ to attend one of those meetings, and that Mr. Blaquiere had delivered to the Secretary a Memorandum of what passed at that meeting, drawn up (No. 6.) by the person who attended it. A copy of that Memorandum, we deem it proper to enclose; the Secretary proceeded to state from Mr. Blaquiere's verbal report, that Mr. Blaquiere had at the same time directed a Brahmin in his service to attend the Missionaries, and under a pretended desire to become a convert, to obtain copies of any publications which had been issued under the authority of the Missionaries; that the Brahmin accordingly waited on the Reverend Mr. Ward, one of the society, residing principally at Calcutta, and that Mr. Blaquiere had delivered to the Secretary eleven pamphlets written some in the Bengallee, some in the Hindostanny language, which, on that occasion, the Reverend Mr. Ward had delivered to the Brahmin.

13. The Secretary reported, that those pamphlets for the most part consisted of strictures upon the characters of the Hindoo deities, tending to place them in a hateful or disgusting light, and to deduce from those strictures the fallacy of the Hindoo mythology; of exhortations to the Hindoos, to abandon their idolatrous worship and embrace the doctrines of Christianity; of the translations of the Psalms of David and other parts of Scripture. That two of those pamphlets, however, one in the Bengallee, the other in the Hindostanny language and character, were addressed exclusively to the class of Mahomedans, and contained the same or similar abuse of the doctrines, books, and founder of the Mahomedan religion, as was contained in the Persian Pamphlet laid before the Board at the last meeting of council, and that these two pamphlets were stated to have been printed at Serampore in the year 1806.

14. Having taken into consideration the preceding communications, we recorded the following Observations and Resolutions: That the publications in question, and the practice of preaching to the multitude, described by Mr. Blaquiere, were evidently calculated to excite among the native subjects of the Company a spirit of religious jealousy and alarm, which might eventually be productive of the most serious evils: That the distribution of such publications, and the public preachings of the Missionaries and their proselytes at the very seat of Government, were acts tending to indicate that the proceedings of the Missionaries, in vilifying the religions of the country, were sanctioned and approved by the supreme authority; that the prevalence of such an impression would both augment the danger, and render more difficult the application of a remedy; that if these proceedings should be suffered to continue, until their effects should be manifested in the clamour and discontent of the people, any measure then adopted to arrest the progress of the evil, would necessarily appear to be the result of apprehension. That it was of the highest importance, therefore, to adopt, without delay, such measures as were calculated to

preclude a conjuncture so injurious to the authority and dignity of Government, and so hazardous to the prosperity and even the security of these dominions; and finally, that the obligation to suppress within the limits of the Company's authority in India, treatises and public preachings offensive to the religious persuasions of the people, was founded on considerations of necessary caution, of general safety, and national faith and honour.

No. 6. Letter from Gov. Gen. 2 Nov. 1807; relating to Missionaries.

That with this view we deemed it necessary to direct that the practice of public preachings at the house employed for that purpose by the Missionaries in the town of Calcutta, should be immediately discontinued; and to prohibit the issue of any publications from the press superintended by the Society of Missionaries, of a nature offensive to the religious prejudices of the natives, or directed to the object of converting them to Christianity; observing, that whatever might be the propriety of exposing the errors of the Hindoo or Musselman religion, to persons of those persuasions, who should solicit instruction in the doctrines of the Christian faith, it was contrary to the system of protection which Government was pledged to afford to the undisturbed exercise of the religions of the country, and calculated to produce very dangerous effects,—to obtrude upon the general body of the people, by means of printed works, exhortations, necessarily involving an interference with those religious tenets, which they considered to be sacred and inviolable.

16. That the press established at Serampore, being intended for the promulgation of works within the limits of the Company's dominions, it became indispensably necessary that its productions should be subject to the immediate controul of the officers of Government; that with this view the Missionaries should be required to remove their press to the Presidency, where the same controul that is established over presses sanctioned by the Government, could be most effectually exercised.

17. That it was, moreover, advisable to obtain from the Reverend Mr. Carey information with regard to the manner and places in which the pamphlets and treatises above mentioned, or any others of a similar description, which might not yet have come under the observation of Government, had been distributed; and also to require the Missionaries to employ every effort in their power to withdraw them from circulation.

18. In conformity to the preceding Observations and Resolutions, a Letter, of which the enclosed is a Copy, was addressed to the Reverend Mr. Carey, for the notice and guidance of the Society of Missionaries. (No. 7.) A Letter, (of which a Copy is also enclosed) was at the same time addressed by our direction to the magistrates of Calcutta, apprising them of our determination to prohibit the practice of public preaching in the town of Calcutta by the Missionaries or their converts, and of the grounds of that determination. (No. 8.)

19. Subsequently to these proceedings we received from his Excellency the Governor of Serampore, a further Report of the measures which his Excellency had adopted in consequence of the representations contained in our Address of the 1st of September. His Excellency at the same time transmitted a copy of a Memorial addressed to him by the Society of Missionaries, in reply to his Excellency's communication to the Society, on the subject of the Persian Pamphlet. Copies of both those documents, form enclosures in this dispatch. (No. 9.) (No. 10.)

20. Your honourable Committee will observe, that agreeably to our request, his Excellency required the Missionaries to deliver up all the remaining copies of the Persian Pamphlets, a requisition with which the Missionaries readily complied.

21. Your honourable Committee will observe in the Memorial of the Missionaries, a becoming acknowledgment of regret at the unintended introduction into the pamphlet in question, of expressions calculated to irritate the minds of the persons to whom it is addressed, and a statement of the circumstances which occasioned the publication of that objectionable pamphlet.

22. In our reply to the Letters of his Excellency the Governor of Serampore, after expressing the sense which we entertained of the attention to our application manifested by his Excellency, and of the disposition of the government of Serampore to meet the wishes of this Government, we noticed the additional information, which, subsequently to the date of our first Address to his Excellency, we had received relative to the diffusion of printed pamphlets in the Bengallee and Hindostanny languages, similar to the Persian Pamphlet, and to the practice of public preaching in the town of Calcutta, on the topics which formed the subject of those pamphlets, and communicated to his Excellency the measures which in consequence we had deemed it our duty to adopt. We observed to his Excellency, that the works printed at the press of the Missionaries, were expressly intended for promulgation within the limits of the British dominions, and that even the operations of the press were principally supported by the aid and encouragement afforded by the Asiatic Society and the College of Fort William: That the establishment of it at Serampore had no reference to the circulation of its productions within the limits of that colony, but that the press was exclusively directed to the same purposes to which it would be applied, if established at this Presidency; that under these circumstances, therefore, it appeared to us to be obviously regular, as well as highly expedient, that the press of the Missionaries should be placed under the immediate controul of this Government, in the same manner as the presses established at Calcutta; and that with this view we had signified to the Missionaries our expectation that the press should be brought within the sphere of our direct authority, by being transferred to this Presidency; we remarked at the same time, that this arrangement was entirely unconnected with the slightest doubt of his Excellency's disposition to exert his authority in preventing

No. 6. Letter from Govr Genl 2 Nov. 1807; relating to Missionaries.

preventing the issue of improper publications; that it was founded exclusively on those general principles which rendered it the duty of every government to reserve to itself the power of restraining irregularities within the limits of its own dominion.

23. For your honourable Committee's more detailed information, we have the honour to transmit, enclosed, a copy of our Address to the Governor of Serampore, of which the substance is above stated. (No. 11)

(No. 12.) 24. A copy of the Rev. Mr. Carey's Reply to the Letter addressed to him by our authority, is also enclosed.

25. In consequence of the measures which, on this occasion, the obligations of our public duty had compelled us to adopt, the Society of Missionaries addressed to the Governor General a Memorial, containing a detailed statement of their situation, circumstances, views and proceedings, since the period of their establishment in this country, and soliciting the revocation of the order for the removal of the press from Serampore to this Presidency, on the ground of the serious injury which the society would sustain from the execution of that order.

26. We shall have the honour of stating to your honourable Committee, in a subsequent part of this despatch, such observations on this Memorial, as the tenor of it appears to render necessary; in the meantime we beg leave to refer your honourable Committee to the enclosed Copy of it, and also to a copy of his Excellency the Governor of Serampore's Reply to our Letter of the 15th September, (of which the substance has been stated in a preceding part of this despatch) soliciting the revocation of the order for the transfer of the press to Calcutta.

(No. 13.) (No. 14.)

27. Your honourable Committee will observe, that the Governor of Serampore refers in his Letter to an enclosed English version of the pamphlet in the Bengallee language, of which the Persian Pamphlet was intended (as appears by the Memorial of the Missionaries addressed to his Excellency) to have been a translation, although, as observed by the Missionaries, the person employed in translating it, had materially departed from the original text.

28. His Excellency has observed, that on a perusal of the English version of the Bengallee Pamphlet, it did not appear to him that the expressions contained in it were so offensive to the religious prejudices of the natives as those contained in the Persian translation, and that the former had been in circulation since the latter end of the year 1804, or the beginning of the year 1805. His Excellency has further observed, that the Missionaries had been in the habit of preaching publicly in the town of Calcutta for nearly five years past, in which time no notice had been taken of their proceedings, nor, to his Excellency's knowledge, had any disturbance been the consequence of it.

29. With respect to this particular publication in the Bengallee language, although several of the most offensive epithets and expressions applied to Mahommud, to the religion, and to the Koran, which appear in the Persian Pamphlet, are omitted in the former, yet the general substance of the language is the same in both, and is certainly of a nature to excite the indignation and fanaticism of the bigoted class of Mussulmans; that it has not attracted the same notice as the Persian Pamphlet, may be ascribed to the language in which it is written; the oral language of Bengal being familiar only to a few of the lower class of Mussulmans, who are natives of the province, and of them a very small proportion are capable of reading that language.

30. The Persian language however being the general medium of correspondence throughout India, a work printed in that language, is open to the perusal of all ranks of people, and we deem it highly fortunate that the circulation of it has been limited to the town of Calcutta and its vicinity, and that means were afforded to us of seasonably restraining a more extensive diffusion of it.

31. With reference to the observation of the Governor of Serampore, regarding the practice of public preaching, it may be proper to state, that the late Governor General Sir George Barlow, having received information that one of the Society of Missionaries, was in the habit of preaching publicly in the streets of Calcutta, in terms abusive of the Hindoo religion; and that on several occasions the populace had manifested signs of irritation, and on one occasion especially, had proceeded to acts of violence, deemed it his duty to prohibit the Missionary from the prosecution of that practice.

32. We suspend the further remarks, which we deem it necessary to state to your honourable Committee, regarding the tendency of publications such as have been described, and of the practice of preaching publicly in the city of Calcutta, on subjects offensive to the religious persuasions of the natives, for the purpose of concluding the narrative of our proceedings on the present.

33. On a consideration of the circumstances stated by the Society of Missionaries, in their Memorial addressed to the Governor General, relative to the injury to which that Society would be exposed by transferring the press from Serampore to Calcutta, and under the influence of a desire to conform to the wishes of the Danish government, we resolved to revoke our requisition for the removal of the press. Adverting, however, to the obvious necessity of establishing a controul over the publication of works intended for circulation within the territories subject to the British authority, we still deemed it proper to require the Missionaries to submit to the inspection of the officers of Government, works of the above description previously to their publication.

34. In

No. 6. Letter from Gov. Gen. 2 Nov. 1807, relating to Missionaries.

34. In communicating this resolution to his Excellency the Governor of Serampore, we expressed our conviction that the Missionaries would be disposed to observe the restrictions imposed upon them by his Excellency, and by this Government, relative to the publication of works offensive to the religious prejudices of the natives; observing, however, that as the judgment of the Missionaries respecting the tendency of works which they might desire to publish, and which were intended for circulation within the territory subject to the British authority, might possibly differ from our own, we were satisfied that his Excellency would concur in the propriety of subjecting publications of that description to the controul of the British Government.

35. We further stated to his Excellency, that we were fully convinced of the rectitude of the intentions of the Society of Missionaries, and that the precautions which we had deemed it necessary to adopt against the unlimited employment of the press, proceeded exclusively from the duty imposed upon Government, of reserving to itself the authority to determine what publications might or might not expose the public tranquillity to hazard, or involve a violation of public faith, instead of leaving the decision of such important questions to the judgment of others.

36. A copy of the letter which we addressed to his Excellency on that occasion, and also a copy of the corresponding communication to the Reverend Mr. Carey, as the chief member of the Society of Missionaries, are enclosed for your honourable Committee's more detailed information. (No. 15.) (No. 16.)

37. We have since received a letter from the Reverend Mr. Carey, of which a copy is enclosed, expressing the gratitude of the Society of Missionaries for the revocation of the order for the removal of the press, and communicating the ready acquiescence of the Missionaries in the requisition to submit to the inspection of Government, works intended for circulation within the British territories, previously to their publication. (No. 17.)

38. We now proceed to state to your honourable Committee such further observations as appear to be necessary, with reference to the general subject of this despatch, and especially to the contents of the Memorial addressed to the Governor General by the respectable Society of Missionaries.

39. We have great satisfaction in acknowledging the temperate and respectful spirit of that Memorial, and in expressing our entire conviction of the correctness of the statement which it contains, relative to the motives and objects of the zeal of the Missionaries for the propagation of the sacred doctrines of Christianity; and our duty as guardians of the public welfare, and a consentaneous solicitude for the diffusion of the blessing of Christianity, merely require us to restrain the efforts of that commendable zeal within those limits, the transgression of which, would in our decided judgment expose to hazard the public safety and tranquillity, without promoting its intended object; and would be incompatible with a just adherence to the obligations of political interest and of public faith, in the degree in which both are involved in the unequivocal toleration of every religious sect among the inhabitants of these dominions.

40. The Missionaries have related the progress and result of labours similar to their own, during a long course of years, and from the negative fact, that the zeal of the propagandists has not on any occasion produced the dangers which we apprehend, have inferred, that neither the publication of the works which have attracted our attention, nor the practice of public preaching, is calculated to produce them. But two material circumstances, which have escaped the observation of the Missionaries, appear to invalidate the force of this conclusion.

41. While the British Government in India continued to be a subordinate power, the efforts of the Missionaries in the work of conversion, were not likely to excite among the natives of India any apprehension either of the disposition or the power of the British Government to impair the stability of the prevailing systems of religion: possessing under the general system, and even under the specific laws of the British Administration, every degree of security for the free and undisturbed exercise of their religious ceremonies and devotions, they had no cause to connect the proceedings of the Missionaries with the acts of the Government; and, deprived of that connection, the mere personal labours of the former in the work of conversion, were inadequate to produce a general sentiment of religious jealousy and alarm, more especially because the efforts of the Missionaries were almost exclusively directed to the conversion of the class of Hindoos, who are free from that spirit of bigotry and fanaticism which distinguishes the class of Mahomedans.

42. In the present ascendency of the British power in India, however, the natives may naturally be led to apprehend that the augmented efforts of the Missionaries exercised under the immediate protection of the Government, are supported and encouraged by its authority. They may be induced to imagine that the possession of unrivalled power, of a dominion extending over a great proportion of the continent of Hindoostan, and of an ascendant influence or controul over all the primary states of India, may suggest the accomplishment of an object, which the comparative inferiority of our power and influence had hitherto excluded from the contemplation of Government,—the gradual substitution of its religion for the actual religions of its subjects. Under these circumstances, therefore, the labours of the Missionaries are calculated in a far greater degree to excite alarm among our native subjects than they were at any former period of time.

No. 6. Letter from Govr Genl 2 Nov. 1807; relating to Missionaries.

43. The second point to which we have alluded, is the prosecution of the labour of conversion by the means of the press. Until works on religious topics addressed to the natives of India, were published in their vernacular language, the proceedings of the Missionaries were not of a nature to attract notice beyond the limits of their personal communication; but when works, expressly directed to the object of subverting the religions of the country, are published in languages intelligible to the natives, the proceedings of the Missionaries must attract attention in proportion to the promulgation of these printed works, and there is just reason to apprehend that a general spirit of irritation and alarm may consequently be excited in the minds of the native inhabitants of India.

44. We have already stated the cause which, in our judgment, has prevented such a consequence of the publications issued in the language of Bengal, and addressed to the class of Mahomedans. It is from the bigotry of that class, that the danger which we have described is principally to be apprehended; but even the jealousy and alarm of the Hindoos may be excited by a more general diffusion of publications calculated to subvert the foundation of their religious persuasions; and works of the latter description, combined with similar attacks upon the credit of the Mahomedan faith, may reasonably be expected to create in the minds of both classes, but especially of the Mussulmans, an apprehension of a systematic design to eradicate both the Hindoo and Mahomedan religion. These publications issuing from a press considered to be established under the protection and authority of the British Government, may readily be supposed to have been sanctioned by that authority, and the project of subverting the religions of the country would consequently be ascribed to the Government itself; and it will not escape the observation of your honourable Committee, that publications of this nature would afford a powerful instrument, in the hands of the disaffected or ambitious, to excite that religious jealousy in the minds of our native subjects, even if that effect should not be produced without the aid of exterior agency.

45. Of the disposition of the natives of this country, especially of the class of Mahomedans, to receive impressions of this nature, even on grounds much less forcible than those which the publications in question would afford, and of the fatal consequences of an excited spirit of religious fury, we have experienced a dreadful example in the massacre of Vellore, of which the industrious propagation of a belief that the British Government entertained the design of converting its native subjects to Christianity, was rendered the efficient instrument.

A. B. C. See pages 65 & 72.

46. Of the nature of the publication which forms the subject of this despatch, your honourable Committee will judge from the enclosed translations of the most material among them. We beg leave especially to draw the attention of your honourable Committee to the translation marked (C.) the original of which is entitled "The Rise of Wisdom," and is addressed to the Hindoos generally, but particularly to the class of Brahmins.

47. Your honourable Committee will observe that this work, far from being composed in the language of persuasion and conciliation, contains no trace of argument or dispassionate discussion, but consists almost exclusively of denunciation, and reproach directed against that class which is revered as sacred by the whole body of the Hindoos; that its tendency is to set one part of our native subjects at variance with another; to excite the enmity of the Brahmins especially against the British nation, and to irritate the minds of all the other classes of Hindoos.

48. Although the limited circulation which this work may hitherto have obtained, its being excluded from general perusal by the abstruseness of metrical composition or the natural apathy of the Hindoos, has prevented a manifestation of the effects above described, yet it cannot be supposed that a work of this nature is calculated to convince the persons to whom it is addressed of the errors of their persuasion. The good sense of the Missionaries indeed has led them to admit that the language of opprobrium and abuse is calculated rather to create resistance than to promote conviction, and have professed to regulate their proceedings according to the impression of this truth. The error of their judgment therefore, so strongly manifested in the publications to which we have adverted, evidently points out the necessity of that controul which we have deemed it our duty to establish over the operations of the press of Serampore.

49. Your honourable Committee will be satisfied by the observations stated in this despatch, that the publications in question having hitherto failed to produce among our native subjects a sensation of alarm, by no means warrants a conclusion that a more extended circulation of such works in a form which would render their contents accessible to all ranks of our native subjects, would not create the danger against which we have deemed it our duty to guard, by the suppression of them.

50. On a view of all the circumstances stated in this despatch, your honourable Committee may be disposed to admit the expediency of adopting such measures as your wisdom will suggest, for the purpose of discouraging any accession to the number of Missionaries actually employed under the protection of the British Government in India in the work of conversion.

51. That meritorious spirit of religious zeal which animates those respectable persons who deem it their duty to exert their endeavours to diffuse among the misguided natives of India the truths and blessings of the Christian Faith, can seldom be restrained by those maxims of prudence and caution which local knowledge and experience can alone inspire,

and without which, the labours of the Missionaries become a source of danger, and tend to frustrate, rather than promote, the benevolent object of their attention.

No. 6. Letter from Govr Genl 2 Nov. 1807; relating to Missionaries.

We have the honour to be, with the greatest respect,
Honourable Sirs,
Your most faithful humble servants,

Fort William,
2d November, 1807.

(Signed) MINTO,
G. HEWETT,
G. H. BARLOW,
J. LUMSDEN.

—No. 7.—

Copies of all DOCUMENTS enclosed in a Letter from the Governor General of *India* to the Secret Committee of the Court of Directors, dated the 2d November 1807; in so far as the said Documents relate to The MISSIONARIES:—And, Copy of the ANSWER from the Court of Directors to the said Letter, so far as relates to the said subject of The MISSIONARIES.

TRANSLATION of an ADDRESS from the Missionaries at Serampore.

To all Persons professing the Moohummudan *Religion.*

JOYFUL TIDINGS!

Behold, O brethren! We are come to convert you from a distant country.—You have many well-wishers in England, who are continually anxious for your welfare, and are constantly enquiring about the state of your religion, of which they have received much information. The intelligence which they have received, has been to them a source of sorrow, and they have seen with pain, that nothing but the affairs of this world is able to engage the smallest portion of your attention, which is never occupied by good and virtuous objects.

For this reason they earnestly urge you to consider, that the only object of this life is to prepare us for a better; according to the Arabic proverb,—"This world is the field to be sown, the harvest is to be reaped in a future state." Until you shall reflect seriously on this subject, you will never so live in this world, as to deserve happiness hereafter. It is in your creed, that there is only one God the Creator of all things, and that He has not given equal understandings to all; that is to say, that there are many beings in nature, who are incapable of comprehending the attributes of God. The beasts and birds, for example, cannot distinguish good from evil, but you are capable of that distinction, and therefore an account will be demanded at your hands. The Creator hears and observes all that you say and all that you do; He knows all your thoughts; and in the last day, when He shall sit in judgment, you will know how you can obtain His approbation. Have you ever reflected that all created beings owe their lives and happiness to Him, and that it is your most important duty to give praise and thanksgiving to Him?

If you have not considered this subject before, reflect on it now, lest (which God avert) the Creator of life should say, after your death, "I have fed and preserved these men from all misfortunes, and they have not paid the smallest attention to my commands, let them be condemned for ever to the torments of Hell."

You say that God, who communicated the Old Testament through the means of the prophet Moses, has there commanded all men to reverence their Creator, and to love their neighbours as themselves. This is the most excellent of all commands, for He is the most bountiful and the most merciful, and on Him only depends the happiness of mankind. All men are descended from the same common parent (Adam), and to indulge mutual enmity is to disobey the commands of God himself. It is indeed the source of the greatest evils, and of the displeasure of God himself.

The evils and misfortunes of life belong to God, who has said, that He will burn all sinners for ever in Hell fire. In the inspired books of Moses, it was written, that those who should not obey the commands recorded there, should suffer the pains of Hell. Alas! alas! for your miserable state, O you Mohummudans! who have perverted his commands, and thereby incurred the wrath of God, reflect seriously how deserving of punishment are those who do evil with their eyes open.

How will you ward off the torments of Hell, or how will you be able to bear those torments? How will you wipe off the stain of your evil actions, or how will concealment or deceit avail you,

No. 7. Enclosures in Govr Genl's Letter, 2 Nov. 1807; relating to Missionaries.

you, when called to judgment before God? Since you cannot move the ocean or the stars, which are among the least of His works, it is clear that you will fail in the accomplishment of these more arduous undertakings.

O brethren! we bring you the joyful tidings, that though you and we are great sinners, and have both of us incurred the displeasure of our God, yet He in his endless bounty and mercy has appointed an all-powerful Saviour and Intersessor to effect the salvation of you and of us. Through Him only we can be saved; and that happiness which we have lost, we may again recover through His means. On our death we must look for consolation to Him alone, &c. &c.

[It is conceived that the remainder of this Address may be omitted, as it contains no observations particularly insulting to the Moohummudan religion, or any expressions tending to inflame the religious prejudices and jealousy of the natives for the freedom of conscience which they have hitherto enjoyed.——I proceed to the next Address, which professes to give an account of the Life of Moohummud, who is described under the term (Zaulim) or, the Tyrant.]

An Account of a certain TYRANT, from his Birth to his Death:

His father Abdoolla died young and left his son an orphan. His son inherited nothing but five camels and a female slave, and he was born of the tribe of Kooreish, in the city of Mecca, 572 years after the birth of Christ: his father died when he was about 13 years old, at which period his uncle took upon himself the care of his education, and appointed a widow to attend him: after some time he married the widow, whose great wealth enabled him to obtain distinction among his countrymen, and subsequently he conceived the desire of setting up for a prophet. From motives of policy he frequented a certain hill every year, and after some years he conducted his tribe and dependents thither, and told them that he had been visited by an angel from Heaven, who informed him that God had made him a prophet. His wife and his cousin (Allee) believed him, and were converted. These were the absurdities and lies which he preached. When he attained his fortieth year, being three years after the promulgation of his infamous mission, certain persons (the lamp of whose judgment was extinguished) embraced his creed, and in the progress of time many others were induced to follow this example. At the age of 52 he told his followers, that one night during his abode in Mecca, he ascended into Heaven, accompanied by an angel, and having passed through Eer and Sulum, was admitted into the presence of God himself, with whom he even pretended to have held a conversation. Many of his followers quitted him on the instant of their hearing of this boastful conversation.

In this manner he continued to flatter and mislead men until he attained the age of 53 years; he then directed his counsellors to slay those who should refuse to embrace his faith, pretending that he had received the good news (of this permission to slay his enemies) from the Deity himself.

According to his desire, they began to practise evil, and all the inhabitants of Mecca having obtained intelligence of their tyranny and violence, prepared to put him to death. The origin and source of all this mischief being thus reduced to extremities, fled to Medeena with his friends and followers. After a short time he began a war on the inhabitants of Medeena, in which he was sometimes victorious and sometimes defeated. At last, however, he got possession of many cities, such as Mecca, &c. which he plundered with the hand of violence and tyranny, having converted the inhabitants to his own false religion.

Eleven years after his flight to Medeena, he quitted this world, and his followers subsequently took forcible and violent possession of many cities. During his lifetime he had composed some pages in Arabic (the Kooran) which he locked up in a chest; after his death the chest was opened by one of his followers, and these leaves were collected into a volume, which is still extant. His lost followers, under the influence of ignorance, consider the reading of this book as a means of salvation; but during his lifetime—[the Persian is here utterly unintelligible]—he sacrificed the lives of thousands to his reputation; and under all these circumstances of injustice, it is clear that no wise man will believe in his creed, which is only the source of mental darkness. He has borrowed in the Kooran much matter from many books, and thus the charge of theft [plagiarism] is proved against him. Moreover, the plainest atrocities are inculcated as necessary or expedient, according to the principles of his book; whereas every vice is prohibited in the Old and New Testament, and in the Psalms of David, nay the man who shall think evil, is there declared to incur the Divine wrath.

The book of those who are wandering in the paths of error (the Kooran) cannot in any point of view be considered as the word of God, for it is there said, that those three books (the Bible and the Psalms) were superseded by the commands of God; whereas it is declared in those divine books, that whoever shall act in a manner inconsistent with the precepts which they contain, is guilty of evil: moreover, it is stated in the Kooran, that the salvation of man is ensured by fasting and prayer, and the pilgrimage to Mecca; whereas it appears from the word of God (that is to say, from the Old and New Testament, and the Psalms of David) that good actions are not in themselves sufficient for the salvation of man, except through the means of God's goodness.

Even Adam, Noah, Abraham, Moses, David, and the other prophets, have repented of their sins, and rested their hopes of pardon on the Messiah alone. O my friends! there is no

no hope of the salvation of man according to those three books, but only through the medium of Jesus Christ.

The aforesaid tyrant Moohummud has published a law directly opposed to that which is contained in the scriptures invented by himself, and infinitely remote from the comprehension of the wise. He has affirmed that the same lustful gratifications which arise in this world from an intercourse with women, will constitute the reward of good men in Heaven; he (the tyrant aforesaid) has also commanded, that those who shall not embrace his religion, shall be put to the sword and consigned to infamy.

Think, O brethren! of these evil actions, and then say whether this tyrant, or the Messiah, the Spirit of God, will be the intercessor between God and man. It is stated in the true Scriptures that the pure in spirit shall enjoy in Heaven the same kind of happiness which arises to men from the practice of virtue in this world. It is affirmed by the aforesaid tyrant, that the good or evil which men do, is to be ascribed to the decrees of fate; and led away by this fallacy, the ignorant take no pains to ascertain the truth, believing that every thing which happens to them must be ascribed to the principle of predestination.

It appears from the Scriptures, that all the good actions of men must be ascribed to God, and that evil actions owe their origin to the Devil. It also appears that those who believe in Christ, and act according to his precepts, will be saved from the world, and obtain the reward of everlasting life. Quit, O brethren! the lying religion which you have been taught to believe, and embrace the faith of Jesus Christ, who took on himself the sins of all men, and sacrificed his life to effect their redemption. Amen.

Printed at Serampore near Calcutta, in the year 1213.

(A true Copy.) *N. B. Edmonstone*,
Secretary to Government.

(Copy.)

To his Excellency the honourable J. Krefting, Esq. &c. &c. &c.

Sir,

WE deem it necessary to bring under your Excellency's notice, the enclosed translation of an extract from a Persian Pamphlet printed at the press established at Serampore, under the superintendence of the Society of Missionaries residing at that place, and circulated, as we are informed, among the Mussulmen inhabitants of this presidency by direction of that society.

2. It is superfluous to point out to your Excellency, the dangerous tendency of language so abusive of the Mahomedan religion and of its founder, as that which is contained in the enclosed document, when circulated among a people distinguished for their devoted attachment to their faith. It must be evident to your Excellency, that the style and tenor of that document can have no other effect than to irritate the minds, and inflame the religious zeal of the class of Mussulmen to which it is addressed; our duty as guardians of the public safety, therefore, would alone require that we should employ our utmost exertions to prevent the diffusion of a publication by which that safety may so seriously be endangered: but an additional obligation to oppose the circulation, and preclude the revival of such inflammatory productions, is imposed upon us, by the necessity of maintaining the public faith repeatedly pledged under the express injunctions of the legislature in England, to leave our native subjects in India, in the full, free, and undisturbed exercise of their respective religions. To permit the issue and diffusion of a publication containing the most direct and unqualified abuse of the principles and tenets of the religion of the country, proscribing its ordinances, and vilifying its founder and professors, would be manifestly a departure from that principle of toleration which the British legislature has prescribed, which we have uniformly professed and observed, and to which the faith of Government is inviolably pledged.

3. We have not yet formed our determination with regard to every specific measure which, with a view to the preservation of the public tranquillity, and to the vindication of our public faith, it may be necessary to pursue on the present occasion. But the object of most immediate urgency, is to suppress the further diffusion of this inflammatory pamphlet; with which view, we have judged it necessary to trouble your Excellency with the present Address.

4. We are satisfied that your Excellency will duly appreciate the importance of this object, as it affects the welfare of every European Settlement in India; and our experience of your disposition to promote the wishes of this Government, and our confidence in your Excellency's wisdom and discernment, leave no room to doubt your Excellency's acquiescence in the application which we have now the honour to submit to you.

5. The press of the Missionaries being established under the licence and protection of the Danish Government, we solicit the interposition of your Excellency's authority to prohibit the issue of any more copies of the pamphlet, which is the subject of this Address, or of any other publications of a similar description; and we further beg leave to suggest the expediency of requiring the Missionaries to deliver up all the remaining copies of the pamphlet in question. We further take the liberty to propose to your Excellency the necessity of ascertaining from the Missionaries to what extent, and in what manner, the pamphlet has been circulated, with a view to enable us to counteract its dangerous effects

No. 7. Enclosures in Govr Genl's Letter, 2 Nov. 1807; relating to Missionaries.

in those places within the limits of our authority or influence to which it may have been conveyed.

6. It is superfluous to express our entire conviction that this publication has been framed and issued without your Excellency's knowledge, and that if apprised of its nature and tendency, your Excellency's judgment and discernment would have induced you to exercise your authority for its suppression.

We have the honour to be, &c.

Fort William, 1st Sept. 1807.

(Signed) MINTO,
G. H. BARLOW,
J. LUMSDEN.

(A true Copy.)

(Signed) *N. B. Edmonstone,*
Secretary to Government.

(Copy.)

Wednesday, 2d September 1807.

In obedience to the orders of Government, the Reverend Mr. Carey was desired to attend at the Chief Secretary's chambers this morning.

Mr. Carey was first requested to state, whether he knew of a certain pamphlet printed in the Persian character and language, at the press of the Missionaries at Serampore, containing strictures on the Mahomedan religion, and circulated among the native inhabitants of this Presidency. In reply, Mr. Carey expressed his entire ignorance of any such pamphlet, observing, that neither he nor any of the society were conversant in the Persian language. He added, however, that he by no means meant to assert that no such pamphlet had issued from the press, but merely that he himself was not apprized of it, and he took occasion to advert to some tract or tracts on the subject of the religion of the Hindoos, which had been translated into the Hindoostanny language under the superintendence of the Missionaries, but disclaimed all knowledge of any such on the subject of the Mahomedan religion and in the Persian language.

The Secretary then informed Mr. Carey of the general nature of the pamphlet in question, and of the mode in which it had been brought under the notice of Government, and read to him the translation of that part of the pamphlet which immediately respects Mohummud and his religion.

Mr. Carey having observed that he did not perceive any particular impropriety in the general substance of what had been read to him, and that it appeared to him merely to contain arguments in favour of the Christian religion, opposed to that of Mohummud, the Secretary proceeded to point out to him the objectionable nature and dangerous tendency of the publication, by observations similar to those which are contained in the letter of the Right honourable the Governor General in council to the Governor at Serampore.

Mr. Carey said that he by no means approved the introduction of abusive language directed to the religion and its founder, that he was aware that no good end could be answered by it. That it was certainly calculated to irritate, and that to irritate an opponent was not the way to convince him of his errors. That such was not the practice of the Missionaries, in endeavouring to convert the the natives to Christianity. Mr. Carey frequently repeated the expression of his own ignorance of the pamphlet in question, and added, that he could venture to declare that none of his brethren were apprized of the improper language which was introduced into it. That none of them understanding Persian, they might not know the force of many Persian words which it contained. That as a body, the pamphlet, as it now stood, could not be ascribed to them, and Mr. Carey intimated that it might be the composition of one of their proselytes, and that although to be printed at the press of the Missionaries, it must be supposed to have undergone a revision by one or more of their number, yet that probably it had not been revised with sufficient accuracy, and that in consequence of their ignorance of the language, the objectionable words had eluded observation.

These explanations were produced by the obvious enquiry, whether the Missionaries were not necessarily acquainted with, and responsible for, whatever issued from their press.

Mr. Carey observed, that the Missionaries were disposed in all respects to conform to the wishes of Government; that it was only necessary for them to know the will of Government to obey it, but that he hoped it was not the intention of Government to prohibit them from endeavouring to convert the natives, by the only means which they were disposed to use, namely, fair argument and persuasion: that all idea of compulsion was entirely out of the question,—that they merely employed arguments to convince the natives of their errors.—The Secretary here informed Mr. Carey, that he was not authorized to state the wishes or intentions of Government upon this point, but that so far he was at liberty to observe, that Government, as the guardians of the public safety, would consider it to be its duty to adopt such measures as were necessary to counteract whatever tended to endanger that safety. Mr. Carey adverted to the success which had attended their efforts, stating, that numbers of the Hindoo persuasion, from the Brahmin to the lowest cast, had been converted; that they had even succeeded in converting a few Mahomedans; instancing one, a syed or descendant of

Mohommud, who had embraced the Christian Faith, and had in consequence become, from an idle profligate character, a man of industry and exemplary sobriety and correctness of conduct. He observed, that in employing these means of conversion, it was impossible that they should speak well of the Mahomedan religion and its founder, for that would be to utter falsehood; but that they disclaimed the practice, and admitted the inutility, of employing abusive epithets, such as are contained in the pamphlet.

Mr. Carey (who acknowledged his influence over the Society of Missionaries) engaged, if it should be desired, that no publication should issue from the press at Serampore, without being first approved by Government.

The Secretary stated in reply, that he was not authorized to signify either an acceptance or rejection of that proposal.

Mr. Carey added, that he would adopt immediate measures to suppress the pamphlet, and withdraw it from circulation, if it had been circulated.

Mr. Carey was questioned regarding the correspondence of Missionaries with any gentlemen employed in the work of the mission in the interior of the country, and at the subordinate settlements, with a view to learn whether it was probable that the pamphlet had been transmitted to other stations, and to the coast.—From Mr. Carey's answers it did not appear that a regular and systematic correspondence, of the nature above mentioned, was maintained; Mr. Carey stated his opinion, that the pamphlet had not obtained any extensive circulation. He promised, however, to ascertain that point, and to put a stop to its further promulgation, both here and at any other place to which it might have been transmitted.

To these points Mr. Carey's immediate attention was particularly enjoined by the Secretary.

(Signed) *N. B. Edmonstone*,
Secretary to Government.

(A true Copy.)

(Signed) *N. B. Edmonstone*,
Secretary to Government.

(Copy.)

Dear Sir,

I FIND that a letter from the Right honourable the Governor General in council, has been sent to the Governor of Serampore, respecting the Persian Pamphlet which you mentioned on Wednesday last:—As that gentleman will make a report to Government on the affair, it would be improper for me to anticipate it by mentioning any particulars.

I may however observe, that on enquiry I am informed that the pamphlet was printed about two months ago; that about three hundred copies have been distributed in the vicinity of Calcutta, and that no copy has been sent to any part of the country.

I am, &c. &c.

4th September 1807. (Signed) *W. Carey.*

(Copy.)

To the Right honourable Lord Minto, Governor General, &c. &c. and Supreme Council.

My Lord, and honourable Sirs,

1. I HASTEN to acknowledge the honour of your Lordship's letter of the 1st instant, which came to hand yesterday evening about seven o'clock.

2. Having made myself acquainted with the contents thereof, I immediately took the necessary measures, and prohibited the issue of any more copies of the pamphlet regarding the Mahomedan religion and its founder.

3. I beg leave to assure your Lordship and the gentlemen of the Council, that so far from my having any previous intimation of the circulation of such a pamphlet, I even was ignorant thereof till the moment I had the honour of receiving your letter.

4. As your Lordship's letter requires some correspondence on my part with the Missionaries residing here, I am under the necessity of deferring my final answer till a few days hence, when I shall have the honour to transmit my correspondence with them to the British Government. I only beg leave now to add, that all copies of the said pamphlet shall be delivered up, and no circulation whatever of such or similar papers will in future be permitted from the Missionaries press at Serampore.

I have the honour to be, with great respect,
My Lord, and honourable Sirs,
Your most obedient humble servant,
(Signed) *J. Krefting.*

Fredericksnagore, 3d September 1807.

(A true Copy.)

(Signed) *N. B. Edmonstone*,
Secretary to Government.

No. 7.

Enclosures in Gov. Gen'l's Letter, 2 Nov. 1807, relating to Missionaries.

Copy of a Memorandum from Mr. Blaquiere.

Sunday, 6th September 1807.

The ceremony was began by an elderly Bengally, on whose coming and standing in the pulpit, all the audience, who were sitting down before on benches, stood up, when the old man began preaching in the Bengallee language, beseeching his congregation to observe that Yudkistkena, who had never spoken a lie, was persuaded by evil men to utter a falsehood, for which he was sent down to Hell.

The preacher then observed, that even Brahmins and other people of respectability, live a sinful life abroad with women of the town, having at the same time wives at home; that they drink liquor in the public shops, and that in the commission of all these unrighteous acts, they are not forced by any one, but prompted by their evil inclination. He then questioned the difference between Brahmins and other men, seeing they are both liable to sin equally—that if both these classes are equally liable to sin, why then the Sudras and others are required to expiate their sins, and why not the Brahmins?—that Brahmins cannot forgive sins.

That the annual religious festivals are not expiatory of sin, but productive of it, &c. &c.

The people continued standing all the while that the Bengally preached.

Then began the singing psalms in the Bengally language to European tunes.

After this, an European ascended the pulpit, and preached a sermon in English.

The hearers were, some Armenians, some native Portuguese, and some native Portuguese women; two Bengallies that are converted, sat on a bench on the left of the pulpit. There was no other Bengally or Mahomedan sitting, but a croud of them was collected at the door. Among the hearers I did not see a single person of any respectable character, but such as I recognized lead an irregular life. I am given to understand, the Missionaries have some Christians in their employ who use persuasive means to make converts.

(A true Copy.) (Signed) *N. B. Edmonstone*,
Secretary to Government.

(Copy.)

To the Reverend W. Carey.

Sir,

THE substance of your replies to the verbal communications which I had the honour to state to you on the 2d instant, by direction of Government, having been reported to the Right honourable the Governor General in council, I am directed to request that you will communicate to the Society of Missionaries the observations and suggestions contained in this Address.

2. Since the day of your attendance at the Chief Secretary's office, various pamphlets and treatises in the Bengallee and Hindostanny languages, containing strictures on the religions of the Hindoos and Mussulmen, and purporting to have issued from the press at Serampore, have been submitted to Government: among them are two pamphlets, one in the Bengallee, the other in the Hindostanny language, addressed exclusively to the class of Mahomedans; containing the same or similar abuse of the doctrines, books, and founder of the Mahomedan religion, as is contained in the Persian Pamphlet from which I read to you a translated extract.

3. The Governor General in council has also been informed that the practice of public preaching on topics of that nature, prevails at a house engaged for that purpose by the Missionaries, in the town of Calcutta.

4. The issue of publications and the public delivery of discourses of the nature above described, are evidently calculated to produce consequences in the highest degree detrimental to the tranquillity of the British dominions in India, and it becomes the indispensable duty of the British Government to arrest the progress of any proceedings of that nature. In the present instance, this obligation is enforced by the necessity of maintaining the public faith, which, under the express injunctions of the legislature, has been repeatedly pledged to leave the native subjects of the Company in India, in the full, free, and undisturbed exercise of their respective religions. To permit the issue and diffusion of printed treatises, and the delivery of public discourses in the languages of the country, replete with the most direct and unqualified abuse of the principles and tenets of the religion of the people, is manifestly authorizing an opposition to the full, free, and undisturbed exercise of it.

5. Upon these grounds the Right honourable the Governor General in council deems it necessary to desire that the practice of preaching at the house employed for that purpose in the town of Calcutta, be immediately discontinued.

6. The Governor General in council also deems it his duty to prohibit the issue of any publications from the press superintended by the Society of Missionaries, of a nature offensive to the religious prejudices of the natives, or directed to the object of converting them to Christianity; observing, that whatever may be the propriety of exposing the errors of the Hindoo or Mussulmen religions to persons of those persuasions who may solicit instruction in the doctrines of the Christian faith, it is contrary to the system of protection which Government is pledged to afford to the undisturbed exercise of the

religions

religions of the country, and calculated to produce very dangerous effects, to obtrude upon the general body of the people, by means of printed works, exhortations necessarily involving an interference with those religious tenets which they consider to be sacred and inviolable.

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7. The Governor General in council further observes, that the press now established at Serampore, being intended for the promulgation of works within the limits of the Company's dominions, it is indispensably necessary that its productions should be subject to the immediate controul of the officers of Government. With this view I am directed to desire, that you will signify to the Missionaries the expectation of the Governor General in council, that the press be transferred to this Presidency, where alone the same controul that is established over presses sanctioned by the Government can be duly exercised.

8. I am further directed to desire, that you will ascertain and report to Government in what manner and in what places the pamphlets and treatises to which this letter refers, or any other of a similar description which may not yet have come under the observation of Government, have been distributed; and also that the Missionaries will employ every effort in their power to withdraw them from circulation.

Fort William, 8th September 1807.

I have the honour to be, &c.
(Signed) *N. B. Edmonstone*,
Secretary to Government.

(Copy.)

To G. Dowdeswell, Esq. Superintendant General of the Police, and Magistrates for the town of Calcutta.

Gentlemen,

THE attention of Government having been lately attracted to a Persian Pamphlet printed at the press of the Society of Missionaries established at Serampore; and supposed to have been circulated among the native inhabitants of the town of Calcutta, containing the most direct and unqualified abuse of the Mahomedan religion and its founder, and Government having reason to believe that public discourses of a similar tendency are publicly delivered by the Missionaries, or their converts, in the town of Calcutta, Mr. Blaquiere was verbally requested to adopt measures with a view to ascertain the proceedings of the Missionaries in disseminating pamphlets of the nature above described, and in prosecuting the objects of conversion by the means of public preaching. From the result of Mr. Blaquiere's enquiries, it appears that numerous pamphlets, written some in the Bengalee and some in the Hindoostannee language, in terms highly abusive of the religious systems of the Hindoos and Mussulmans, have been printed at the press of the Missionaries at Serampore, and circulated among the native inhabitants of this city; and Mr. Blaquiere at the same time delivered in several pamphlets or treatises of the above description. Mr. Blaquire further reported, that discourses on similar topics, were delivered every Sunday by the Missionaries or their converts, at a house within the town of Calcutta, engaged by the Missionaries for that purpose.

2. The Right honourable the Governor General in council, adverting to the dangerous consequences of these proceedings, has adopted the necessary measures for preventing the issue and distribution of publications, such as are above described; and the immediate object of this communication is to inform you, that the Missionaries have been required to discontinue and prevent the practice of public preaching at the house engaged for that purpose in the town of Calcutta.

Council Chamber, 8th September 1807.

I have the honour to be, &c.
(Signed) *N. B. Edmonstone*,
Sec^y to Gov^t.

(Copy.)

To the Right honourable Lord Minto, Governor General, &c. &c. &c. and Supreme Council at Fort William.

My Lord, and honourable Sirs,

I HAD the honour, on the 3d instant, to address your Lordship and members of the Supreme Council at Fort William, in a letter to be considered as a preliminary reply to that of the 1st of September, wherein I gave myself the liberty to state what steps I had taken for the suppression of a Persian Pamphlet regarding the Mahommedan religion and its founder. I did in the same letter intimate the necessity on my part, to enter into a correspondence with the Society of Missionaries at this place, thereby to ascertain the number of pamphlets distributed by them, and in what manner, &c. &c. I further gave myself the honour to promise, that all the remaining copies of the said pamphlet should be delivered up, and no circulation whatever of such or similar papers be permitted in future from the Missionaries press.

2. The society of Missionaries having complied with the orders I deemed it proper to prescribe with regard to the said pamphlet, I have the honour, as a measure of the respectful attention I owe to you my Lord and honourable Sirs, now to transmit all the printed copies remaining in the hands of the said society, amounting to 1,700, out of 2,000, as only 300 copies

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copies appear to have been distributed either at Chinsurah, Serampore, Calcutta, or the neighbouring villages.

3. The subjoined copy of a letter I received from the Missionaries on the 8th instant, will fully convince you my Lord and honourable Sirs, of my having disapproved of their conduct in the present instance; and as I fully coincide in the political principles laid down in your letter of the 1st instant, I can only assure the Supreme Council, that the government of Serampore will never permit any act to be committed which might in any degree give offence to the British Government, whose prosperity the Danish nation in particular always will regard as their ultimate wishes.

4. The answer of the Missionaries will also I hope be considered as satisfactory, and as a pledge to you my Lord and honourable Sirs, that they never in future will attempt to print any thing by which the preservation of order and tranquillity might be endangered; and as their sentiments in their reply to my letter, manifest the fullest regret on their part, I humbly request that no further specific measure may be taken, as I, on the least application from your Government, always will be ready to check abuses, which in the present case appears merely to derive from a misapplied religious zeal.

I have the honour to be, with the highest consideration and respect,
My Lord, and honourable Sirs,
Your, &c.
(Signed) *J. Krefting.*

Fredericksnagore,
the 10th Sept. 1807.

(A true Copy.) Signed) *N. B. Edmonstone,*
Secretary to Government.

(Copy.)

To His Excellency the honourable Jacob Krefting, Esq. Governor of Serampore, &c. &c. &c.

Honourable Sir,

WE have been favoured with your Excellency's communication of the 5th instant, stating your having received a letter from the Right honourable the British Governor General and Council of Fort William, dated the 1st instant, which noticed a Persian Pamphlet lately circulated under our direction, as containing expressions tending to irritate the minds of the class of Mussulmans to whom it was addressed; expressing your sorrow at such a circumstance having occurred; prohibiting the further distribution of the said pamphlet; and requiring us to deliver up the remaining copies now in our hands; as well as to give you every degree of information relative to the actual distribution of the pamphlet in question.

2. On carefully examining this pamphlet, we feel it our duty to declare our sincere regret, that any expressions tending to irritate rather than convince the mind, should thus have issued from our press; and we feel that justice to our own characters requires us to state to your Excellency the circumstances under which it happened.

About three months ago we delivered to a Moonshi, formerly a Mussulman, but who had for some time professed an attachment to the Christian religion, a short abstract (in the Bengallee language) of the life of Mahomet, taken almost verbatim from Sale's preliminary discourse prefixed to his translation of the Koran, desiring him to translate it into Persian. The confidence we had in this man altogether, with the hurry of business, occasioned our putting the translation to press without a previous revisal; and we now find to our great regret, that he has departed from his original, not only by foisting in epithets which were not in the copy, but by making a number of alterations in the ideas themselves. We do not mention this for the sake of exonerating ourselves from blame (we are aware that such an act of negligence does not prevent its being our act) but merely as a fact in the history of the pamphlet. Should your Excellency wish it, we will send you either the original itself, which after much search we have found, or an English translation of it, that your Excellency may satisfy yourself of the truth of the fact.

3. We are happy to find, that of 2,000 printed of this pamphlet, 1,700 remain in our hands; the other 300, as far as we can ascertain, have been distributed either at Serampore, Chinsurah, or Calcutta, or the neighbouring villages. We suppose that none of them have gone to a greater distance. We hope, and indeed have reason to believe, that no apprehension need be entertained from those distributed, as from the indifference and disregard manifested by natives in general to things of this nature, it is more than probable that by far the greater part of them are thrown away or destroyed.

4. We cheerfully send your Excellency the remaining copies, and pledge ourselves that it shall never more issue from our press in any form whatever. Relative to similar papers in any future time, we beg leave to assure your Excellency, that our lively sense of the favour and countenance we have so long experienced from the Danish Government, both in Europe and India, and particularly from your Excellency, would alone prevent us from doing any thing which might in the remotest degree tend to give your Excellency pain. But it cannot be unknown to your Excellency, that we need no inducement of this kind to urge us to a conduct to the public tranquillity; we are thoroughly convinced that the Christian religion, so far from requiring the aid either of coercion or of irritating and

opprobious epithets, expressly disallows them; and we feel certain that no one was ever made a sincere convert to Christianity by means like these.

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5. Indeed, were we in the course of our missionary labours here, to pursue a different line of conduct, we should not only violate those feelings of attachment and respect to the British Government, and the members who compose it, which none in India possess in a higher degree than ourselves, but act as contrary to the dictates of common sense, as to those of Christianity. If, as your Excellency justly observes, the safety of every European settlement be connected with the preservation of order and tranquillity in the British dominions in India, how much more deeply must our personal safety, and the safety of our families, be involved therein, since our very existence in this, a heathen country, is suspended on the prosperity of the British empire in India.

6. As a proof however of the real tenor of our conduct, we are happy in being able to appeal to evidence stronger than mere assertions,—your Excellency's personal knowledge. Nearly eight years have elapsed since we first had the honour of enjoying the patronage and the countenance of the Danish Government in India. We feel therefore peculiar satisfaction in appealing to your Excellency, whether our conduct, both as individuals, and as a Missionary body, hath not been agreeable to the sentiments we have just expressed; and we beg leave to assure your Excellency, that every view of the nature of Christianity, confirms us in the conviction of its being our duty to persevere in the use of the mildest, most inoffensive, and conciliatory methods in our intercourse with natives of every description, conscious that by these alone we can impress them with an idea of the true nature of Christianity. And we feel high pleasure in the thought, that while thus obeying the dictates of our own consciences, we have the happiness of perfectly coinciding with the wishes of your Excellency and of the Right honourable the Governor General of the British dominions in India.

We have the honour to be, &c.

(Signed) *Wm. Carey,*
Wm. Ward,
Josh. Marshman,
Wm. Moore,
Josa. Rowe,
Felix Carey.

Serampore,
Sept. 8th, 1807.

(A true Copy.) *Prinzling*, Secretary to Government.

(A true Copy.) (Signed) *N. B. Edmonstone,*
Secretary to Government.

(Copy.)

His Excellency the honourable J. Krefting, Esq. &c. &c. &c.

Sir,

WE have the honour to acknowledge the receipt of your Excellency's letters under dates the 3d and 10th instant, the former in reply to our Address, the latter received on the 11th instant, communicating to us the result of the measures which your Excellency had been pleased to adopt in conformity to our request for the suppression of publications obnoxious to the religious persuasions of the natives of India, and enclosing a copy of an Address to your Excellency on the subject from the Society of Missionaries at Fredericksnagore.

2. We request your Excellency to accept the expression of our cordial acknowledgments, for the attention which your Excellency has manifested to the request contained in our letter of the 1st instant, and for the measures which your Excellency adopted, with a view to ascertain the extent to which the pamphlet reflecting on the Mussulman religion had been circulated, and to prevent the future distribution of works of that description.

3. We have duly received the copies of the pamphlet which your Excellency had the goodness to require from the Missionaries and to transmit to this Presidency.

4. Your Excellency's assurance of the disposition of the Government of Serampore to meet the wishes of the British Government on all occasions, is consistent with our experience, and demands our cordial thanks.

5. Subsequently to the despatch of our letter to your Excellency's Address, we received information of the distribution of other pamphlets and treatises in the Hindoostanny and Bengally languages, printed at the press of Serampore, containing strictures on the religions of the Hindoos and Mahomedans, equally offensive with those contained in the pamphlet of which we had the honour to transmit to your Excellency a translated extract. We were also informed that the Missionaries and their converts were in the habit of preaching publicly in the town of Calcutta on similar topics.

6. In our letter of the 1st instant, we observed to your Excellency, that we had not then formed our determination with regard to the specific measures, which, with a view to the preservation of the public tranquillity, and to the vindication of our public faith, it might be necessary to pursue on the present occasion. With the additional information

above

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above described, however, we have since resumed the consideration of the subject, and the measures which we adopted in consequence, were carried into effect previously to our receipt of your Excellency's despatch of the 10th instant.

7. The works which are printed at the press of the Missionaries are expressly intended for promulgation within the limits of the British dominions, and even the operations of the press are principally supported by the aid and encouragement afforded by the Asiatic Society of the College of Fort William. The establishment of it at Serampore had no reference to the circulation of its productions within the limits of that colony, but is exclusively directed to the same purposes to which it would be applied if established at this Presidency. Under these circumstances, it appeared to us to be obviously regular, as well as highly expedient, that the press of the Missionaries should be placed under the immediate controul of this Government, in the same manner as the presses established at Calcutta. And with this view we signified to the Missionaries our expectation that the press be brought within the sphere of our direct authority, by being transferred to this Presidency.

8. We are satisfied that your Excellency will believe this arrangement to have been entirely unconnected with the slightest doubt of your Excellency's disposition to exert your authority in preventing the issue of improper publications, and will consider it to be founded exclusively on those general principles, which render it the duty of every government to reserve to itself the power of restraining irregularities within the limits of its own dominion.

9. For your Excellency's more detailed information, we have the honour to transmit, enclosed, a copy of the letter addressed by orders to the Rev. Mr. Carey, under date the 8th instant, communicating our desire that the press be immediately transferred to this Presidency, and prohibiting both the practice of public preaching at Calcutta, and the issue of publications directed to the object of converting the natives to Christianity.

10. The existence of a press at Serampore, being (as we have already observed) obviously unnecessary for the purpose of circulating works within the limits of that settlement, and exclusively applicable to the purposes of similar establishments of this Presidency, we confidently trust that your Excellency will not only concur in the expediency of the measure which we have adopted, but will withhold your consent to the establishment of any other press under the protection of the Danish flag.

11. We have perused with great satisfaction the Memorial of the Missionaries, and are entirely convinced of the rectitude and propriety of their intentions; but it will not escape your Excellency's observation, that the purposes of the press are liable to abuse without their knowledge and concurrence, since it appears from the tenor of the Memorial, that the Missionaries were not only uninformed of the objectionable nature of the Persian Pamphlet which has excited our attention, but that works of a similar nature in the Bengallee and Hindoostanny languages have been published at the press of Serampore, the contents of which were previously unknown to them.

We have the honour to be, &c.

(Signed) MINTO,
G. H. BARLOW,
J. LUMSDEN.

Fort William,
15th September 1807.

(A true Copy.)

(Signed) *N. B. Edmonstone,*
Secretary to Government.

To N. B. Edmonstone, Esquire.

Sir,

1. I HAVE the honour of acknowledging the receipt of a letter from you, dated the 8th instant, requesting me to communicate to the Society of Missionaries at Serampore, the observations and suggestions contained therein.

2. In reply thereto, I have the honour to inform you, that I have communicated to the Society of Missionaries the contents of the said letter, agreeably to the request contained therein.

3. I have the honour to observe, in reply to the eighth paragraph, that I will endeavour to ascertain and report, for the information of Government, the places where these or any other pamphlets have been circulated. At present I am able only to say, that although pamphlets have been in circulation for several years, no one instance has come to my knowledge, of the least symptom of alarm having been excited either among Hindoos or Mussulmans in consequence of such circulation.

I have the honour to be, &c.

Serampore,
15th September 1807.

(Signed) *W. Carey.*

(A true Copy.)

(Signed) *N. B. Edmonstone,*
Secretary to Government.

To the Right honourable Gilbert Lord Minto, Governor General of India, &c. &c. &c.

My Lord,

1. THE Society of Missionaries residing at Serampore, entreat permission to lay before your Lordship, with the greatest submission, a full and undisguised statement of their situation,

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situation, circumstances, and views; humbly casting themselves on your Lordship's clemency, and imploring such relief as your Lordship's candour and wisdom and attachment to the Protestant religion may suggest.

2. Your Lordship's Memorialists beg permission humbly to represent, that in the year 1792 a number of ministers and others of the Baptist denomination, reflecting on the blessings they enjoyed through the Christian Revelation, and feeling it their indispensable duty to attempt imparting the same to the heathen, formed themselves into a voluntary society, by the name of the Baptist Missionary Society; and that your Lordship's Memorialists, influenced by the same views, by the advice of this society, engaged in a mission to India.

3. They entreat permission further to state, that one of your Lordship's Memorialists and his friend, since dead, landed at Calcutta in the year 1793; who being soon after entrusted by a gentleman high in the service, with the care of two indigo works in the district of Dinagepore, began to learn the Bengallee language, translate the Scriptures and dispense Christian instruction to the natives of that and the neighbouring districts; and although this was continued for six years, nothing appeared on the part of the natives but the highest satisfaction.

4. That the Right honourable Lord Teignmouth, being then Governor General of India, was pleased to grant these two Missionaries the covenants of that time, granted to British subjects in India.

5. They entreat permission further, humbly to represent that in the year 1799, four other Missionaries arriving at Serampore, were invited by his Excellency Colonel Bie, late Governor of Serampore, to settle in that colony, open an European school, set up their printing press, and instruct the natives of that settlement in Christianity, under the patronage of his Danish Majesty; and that your Lordship's Memorialists felt it their duty to accept his Excellency's invitation.

6. That in consequence of a representation made by his Excellency Colonel Bie, his Danish Majesty was pleased to direct the Royal College of Commerce at Copenhagen, to signify his pleasure to the Governor of Serampore, that the Society of Missionaries be considered as under his Majesty's protection and patronage, which they accordingly signified by a letter bearing date September 5th, 1801.

That, thus encouraged by the Danish Government, your Lordship's Memorialists proceeded to print the Scriptures in the Bengallee language; and, by preaching and diffusing religious tracts, to instruct the native inhabitants of that settlement in the Christian religion; and that his Excellency the late Colonel Bie was pleased, at the baptism of the first Hindoo convert, to honour the Missionaries with his presence.

8. That, after the Scriptures were published, many came to Serampore from different parts of the country to request copies, and to seek Christian instruction; and that a considerable number, at different times, have received Christian baptism.

9. That of those who thus came from a distance, some entreated your Lordship's Memorialists to accompany them to their respective homes, for the sake of instructing their neighbours and friends, who, though equally desirous of Christian instruction, were unable to take so long a journey; that in several instances they complied with these invitations, and invariably found these excursions attended with perfect quietness as well as safety to their own persons, although they appeared simply as Christian teachers; and the people whom they thus visited, were in several instances Mahomedans.

10. Your Lordship's Memorialists entreat permission farther to represent, that on occasion of the printing presses at Calcutta being placed under the controul of Government, the Most noble the Marquis Wellesley was pleased to enquire respecting the press at Serampore; but on being informed that, (official papers for the Danish Government excepted,) the Missionaries confined its operations to printing the Scriptures and religious tracts, and made it an invariable rule to print nothing of a political nature, his Lordship was pleased to express his satisfaction at the press of Serampore being thus employed.

11. That his Lordship was pleased soon after to accept a copy of the New Testament, translated by the Missionaries into the Bengalee language, and to express his approbation of the undertaking.

12. That in 1801 his Lordship was pleased to appoint one of your Lordship's Memorialists, teacher of the Bengalee and Sangskrit languages, in the College of Fort William.

13. That his Lordship was pleased soon after to direct the Missionaries to prepare and print the Psalms of David, and the Book of Isaiah, as a class-book in the Bengalee language, for the use of the college.

14. That on a subsequent occasion, his Lordship was pleased to assure one of your Lordship's Memorialists, that he was perfectly acquainted with all the concerns and operations of the Missionaries at Serampore, and felt great satisfaction at their affairs being attended with such a degree of success.

15. They entreat permission also to represent, that in the year 1803 a copy of the New Testament, and the Pentateuch, in the Bengalee language, were presented to His Majesty by R. Bowyer, esq. of Pall Mall, and that His Majesty was pleased graciously to accept them, and to direct that His Majesty's thanks be given to the Baptist Missionary Society.

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16. They humbly beg leave further to represent, that early in the year 1804, reflecting on the situation of the different countries around, as destitute of the Holy Scriptures, your Lordship's Memorialists felt it their duty to request the assistance of the public in Europe, in the work of translating and publishing the Scriptures in the languages of India.

17. That in the year 1805, a letter was received from the British and Foreign Bible Society, of which the Right honourable Lord Teignmouth is President, and the Bishops of London, Durham, Exeter, and St. David's, the Right honourable Lord Radstock, Admiral Gambier, Sir W. Pepperell, William Wilberforce, and Charles Grant, Esq. Vice Presidents; the following extract from which, they humbly entreat permission to submit to your Lordship.

London, July 23d, 1804.

"Resolved,—That George Udny, Esq. the Reverend David Brown, the Reverend "Claudius Buchanan, and Messrs. Carey, Ward, and Marshman, be requested to form "a Committee, and to correspond with the Society respecting the best means of pro- "moting the objects of this Institution, with regard to the Eastern languages."

(Signed) *John Owen*,
Secretary.

18. That in the year 1806, your Lordships Memorialists published a Memoir, in India, relative to the translations of the Scriptures, of which copies were transmitted to the honourable the Court of Directors, the Right honourable the President of the British and Foreign Bible Society, the Right Reverend the Bishops, the Universities in Britain, and a number of public bodies and private gentlemen.

19. That in consequence of this Memoir, a considerable sum was subscribed by gentlemen at this Presidency to carry forward the work; and that subscriptions have been received on the same account from England and Scotland, and also from the United States of America.

20. Thus have your Lordship's Memorialists, humbly relying on your Lordship's clemency, laid open in the most unreserved manner the whole of their circumstances; conscious of no evil design, they have never attempted concealment, but have year by year laid the whole of their conduct before the public, both in Britain and India. And they entreat permission farther humbly to state, that in the course of their missionary labours, they have baptized upwards of a hundred natives, including Hindoos and Mussulmans; of these, the first ten were inhabitants of Serampore, and the rest such as came from different parts of the country seeking Christian instruction. Among these, twelve were Brahmins, sixteen of the Writer cast, and five Mussulmans. Your Lordship's Memorialists entreat permission to add, that neither the baptism of the Brahmins, nor Mussulmans, created any kind of alarm, although the circumstances attending them were perfectly well known to a great distance around.

21. Your Lordship's Memorialists humbly entreat permission further to represent, that in thus affording Christian instruction to natives, they were perfectly unconscious of acting contrary to the declared will of the British nation and Legislature, or to the existing regulations of the honourable Company. Conscious of the salutary effects in renovating the mind and regulating the passions, they wished to impart the blessing to their Hindoo fellow subjects, happy in the idea that in every real convert they were securing to their country a friend, a subject obeying from new principles, and cordially attached to the British nation by new and inviolable ties.

22. They entreat permission further to represent, that though perfectly acquainted with, and highly revering the principles which induced the British Legislature to guarantee to their Indian subjects the full and undisturbed possession of their different religious opinions, your Lordship's Memorialists were perfectly unconscious of violating those principles, inasmuch as the most solemn engagements of this nature in Britain are never supposed to preclude religious discussion; and from the liberal and generous nature of the protestant religion, they were led to imagine that a protestant nation, while utterly averse to coercion, could not but wish their Hindoo subjects might in some prudent and safe method receive Christian instruction.

23. They humbly entreat permission further to state, that this supposition was strengthened by perusing in Russell's collection of Statutes concerning the Incorporation, Trade, and Commerce of the East India Company, printed at London in 1786, and dedicated to the Right honourable Henry Dundas, an abridgment of the Charters of Incorporation granted to the several East India Companies, which abridgment, among others, contains an abstract of the charter granted to the honourable Company by his Majesty King William the Third, and bearing date September 5th, 1698; in which it is stipulated, page xx. of the abridgment, that "the ministers of the honourable Company are to "learn the Portuguese and Hindoo languages, to enable them to instruct the Gentoos, &c. "in the Christian religion."

24. Your Lordship's Memorialists humbly acknowledge to your Lordship, that the conduct of other protestant nations towards their Indian subjects, has also tended to confirm them in this supposition, particularly that of the United States of Holland, who, while they allowed their Cingalese, Malabar, and Malay subjects, the free exercise of their different religions, at the public expense translated the sacred Scriptures into the former and latter of these languages, and employed Missionaries and Catechists to instruct the natives in the Christian religion; from which conduct your Lordship's Memorialists have never heard

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that in one single instance any alarm or disturbance arose, but that, on the contrary, these converted natives were often of the highest political service to their respective governments.

25. That the conduct of his Danish Majesty Frederick the Fourth, who in 1705, at his own expense, sent Messrs. Zeigenbaly and Grundler to found the Protestant Mission at Tranquebar, tended still more to confirm their minds in this idea, particularly when connected with the subsequent conduct of the British nation towards that mission; for your Lordship's Memorialists entreat permission to represent, that on the return of the Missionary Zeigenbaly to Europe, nine years after the commencement of the mission, he was invited to a sitting of the Bishops and others, in the Society for promoting Christian Knowledge; and that after his return to India, he was presented with a printer's press, to encourage him in the publication of the sacred Scriptures; that this press the Missionaries set up at Tranquebar, where it still remains employed for Missionary purposes, under the patronage of his Danish Majesty.

26. That the gracious condescension of his Majesty George the First, by no means tends to weaken those ideas; for, in addition to the encouragement afforded these Missionaries by his subjects, his Majesty was pleased to write them two letters, in the first of which, bearing date August 23d, 1717, his Majesty was pleased to express his satisfaction at the success of their labours, and to assure them of the continuance of his royal favour; and in the second, dated February 23d, 1727, twenty-two years after the mission had been founded (a period in which the dissemination of the Scriptures and the baptism of a multitude of the natives had fully developed its nature and tendency) his Majesty was pleased to express his satisfaction in terms still stronger, to assure them that a constant account of the progress of their mission would be acceptable, and to "pray that they "might be assisted in this good work, that its perpetuity might not fail in generations to "come."

27. Your Lordship's Memorialists humbly entreat permission further to represent, that the conduct of the honourable Company towards the Missionary servants lately deceased, has tended to convince them, that in attempting to afford Christian instruction to the Hindoos, they were not acting contrary to the will of the honourable Company. In confirmation of this idea, they entreat permission to refer to the cenotaph, which the honourable Company has been pleased to erect at Madras to the memory of this Missionary, directing that the inscription be translated into the different languages of the country, that the natives may understand the sense they entertain of his transcendant merit in "abstracting himself from "temporal views, and for a period of fifty years going about doing good," in the character of a Christian Missionary.

28. Your Lordship's Memorialists most humbly entreat permission to appeal to your Lordship, whether their circumstances and employment in translating the Scriptures, and quietly dispensing Christian instruction, be not similar to those of Zeigenbaly and Swartz.

They acknowledge that their efforts bear no proportion to the labours of these excellent men, but entreat permission humbly to represent, that their motives and the nature of their labours are exactly the same.

29. They also entreat permission further to represent, that from the peculiarly delicate circumstances in which the efforts of the Missionary Swartz were made, among natives whose bigotry greatly exceeds that of the natives of this Presidency, and in the neighbourhood of the most inveterate and formidable Mahometan power which has ever opposed the British nation, they were led to suppose that if in these circumstances, attempts to instruct natives in the Christian religion were not injurious to the public tranquillity, but rather meritorious, they could not be of a different nature in this Presidency, freed from every powerful Mahometan neighbour, and when the natives, divided into numerous sects, indulge in literary and religious discussion to an almost unbounded degree.

30. That all they have had an opportunity of observing relative to the natives, has convinced them of this being their true state and disposition. They have found that in numerous instances discussion has been desired by their native teachers and approved by the multitude, even when it has ended to the disadvantage of their spiritual guides; that Christian instruction has been sought both by Hindoos and Mussulmans; that the prudent dissemination of Christian instruction for thirteen years, the baptism of more than a hundred of the natives, and the circulation of several thousand copies of the Scriptures, has created no alarm, nor excited among them the least dissatisfaction during the whole of this period. They entreat permission also to add, that one of your Lordship's Memorialists has been in the habit, for more than five years, of dispensing Christian instruction in Calcutta to his servants, and such other natives who choose to attend, without observing the most distant appearance of discontent.

31. Your Lordship's Memorialists humbly entreat permission further to intrude upon your Lordship's clemency, and to represent, that about a year ago a number of Americans and Protestant Portuguese, natives of Calcutta, stated to them that they wished for Christian instruction, but were too little acquainted with the English language to receive it at the English church, they therefore entreated your Lordship's Memorialists to afford it them in Bengalee, the only language in which they could receive it, one of them offering to fit up a part of his house for that purpose. Not imagining that by thus affording instruction to protestant natives, they were acting contrary to the will of Government,

your

No. 7. Enclosures in Gov. Gen'l's Letter, 2 Nov. 1807; relating to Missionaries.

your Lordship's Memorialists felt it their duty to comply with this request. And it is with the deepest concern they learn that this has been mentioned to Government, as an attempt to inflame the minds of the natives, and disturb the public tranquillity.

32. They humbly beg leave to represent, that hearing instruction in their own language natives have occasionally listened without, but that not the least appearance of dissatisfaction has been observed among those who have thus occasionally listened.

33. Your Lordship's Memorialists humbly implore permission to represent, that it is with the deepest concern they understand apprehensions for the public tranquillity have been entertained from the productions of their press.

34. They therefore humbly entreat permission to lay before your Lordship a correct list of the pamphlets which have issued therefrom, with a brief view of their contents:

1. "The Gospel Messenger," a short Bengalee poem, written to announce the translation of the Scriptures. By a Hindoo Pundit, favourable to Christianity as an object of discussion, but still professing Hindooism.
2. "The Dawn of Wisdom." By the same Pundit. Written to invite his countrymen to the investigation of Christianity.
3. "News relative to the Salvation of Men."
4. "A Summary of Christian Doctrine."
5. "The Words of Affection," a Summary of Christianity, with an invitation to the Hindoos to examine it.
6. "An Address to the Worshippers of Juggernaut,"—4 pages.
7. "The Difference," a comparison between Khrishna and Christ. A translation of this, and the 1st, 5th, and 6th Articles, have been published in England.
8. "The Sure Refuge," "Salutary Counsel," and the "Enlightening Guide," three short pieces addressed to his countrymen the Hindoos. By Pelumber Sing, an aged native Christian.
9. "An Address to Mussulmans," with an Appendix containing some account of Mahomet.

35. Your Lordship's Memorialists humbly entreat permission to represent, that these pamphlets, with a few Catechisms (two of them Dr. Watts's) include every thing they have printed in the native languages, except the Scriptures, a book of Hymns, and the elementary books printed for the College of Fort William. The appendix in the 9th article, is the Pamphlet, a Persian translation of which was laid before your Lordship. This is the only one which your Lordship's Memorialists have at any time addressed to the Mussulmans, as they have generally found them less fond of discussion than the Hindoos. They entreat permission to add, that the Address was written and printed in England several years ago, and was selected by your Lordship's Memorialists, on account of its conciliatory tendency; that the appendix was drawn up by your Lordship's Memorialists, about three years ago, at the request of a number of Mussulmans highly fond of religious discussion,—that none of those epithets were used respecting Mahomet, which appeared in the Persian translation, and that your Lordship's Memorialists never heard of any Mussulman being displeased by the perusal in the Bengalee of the original copy, although it has been read for nearly three years. They entreat permission however to represent, that on receiving the first information of your Lordship's pleasure, they withdrew it from circulation in every form.

36. They entreat permission to assure your Lordship, that nothing can be farther from them, than an indifference to the public tranquillity. Convinced as they are, by all the observations they have been able make, that the British Government is the greatest national blessing vouchsafed by Divine Providence to India for many ages, and that the safety of themselves and their families, and of their native converts, depend in a peculiar manner on the permanent prosperity of the British Government, they entreat your Lordship to judge whether the dictates of religion do not concur with those of the soundest reason, in urging them to promote by every possible means, the peace, tranquillity and prosperity of the British Empire in India.

37. Your Lordship's Memorialists humbly entreat permission farther to represent, that they now have in the press translations of the Scriptures in the Sangskrit, the Bengalee, the Hindee, the Orissa, the Mahratta and the Guzzeratter languages, which they have pledged themselves to the public in Britain, America, and in India, to print at a stipulated price, a price precluding any profit arising to themselves from this work of public and gratuitous benevolence.

38. That for the sake of executing these works, and others which they are printing at a stipulated price for the College of Fort William and the Asiatic Society, and the accommodation of those concerned in them, they have been obliged to purchase and fit up premises at an expense of more than sixty thousand rupees, an expense involving them in debts which the most persevering industry and the most rigid economy has not enabled them in seven years wholly to liquidate. They humbly entreat permission further to state, that these premises, if abandoned, could be let only for a small monthly rent, and would indeed be ineligible to any single family, or to persons in a different line of business; while premises equally spacious and convenient could not be obtained in Calcutta for the monthly rent of a thousand rupees.

39. That in consequence of the difference in the price of house rent and other necessaries of life naturally existing between the metropolis of India and a small country town, the wages of native workmen in the printing line at Calcutta, are nearly double those given at

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at Serampore. Such works however as your Lordship's Memorialists have engaged in, with a view to public sale, relating chiefly to Oriental literature, are exceedingly limited and precarious in the sale, and will permit no addition being made to their price.

40. That your Lordship's Memorialists, with their wives and children, forming a family of more than thirty Europeans, are by their missionary circumstances laid under the necessity of adopting a degree of economy and frugality, practicable only in a retired country situation, as well as of training up their children (twenty in number) in the same course; they therefore entreat permission to represent to your Lordship's consideration, that these circumstances constrain them to contemplate a removal to Calcutta with the utmost dread, as involving the speedy and inevitable ruin of themselves and their families.

41. They beg leave therefore to cast themselves on your Lordship's clemency, and with the utmost deference to submit their circumstances to your Lordship's humanity and wisdom, humbly imploring the great Author of the Christian religion to pour down on your Lordship his choicest blessings, that your Lordship's Government, tranquil and happy to your Lordship, may be productive of the most beneficial and lasting effects to the millions confided to your Lordship's care; and that at a very distant period your Lordship may receive from his gracious hand a crown of glory that fadeth not away!

We have the honour to be, &c. &c.

(Signed) *W. Carey*, *Wm. Moore*,
Jo. Marsham, *Josh. Rowe*,
Wm. Ward, *Felix Carey*.

Mission House, Serampore,
30th Sept. 1807.

(Copy.)

To the Right honourable Lord Minto, Governor General, &c. &c. &c. Supreme Council, Fort William.

My Lord, and honourable Sirs,

I HAVE the honour to acknowledge the receipt of your Lordship's letter, dated the 15th instant. The necessity of a reference to the Missionaries, in order to enable me to answer your public letter, has precluded me from transmitting an earlier reply thereto.

2. It gives me great pleasure, my Lord and honourable Sirs, from the general tenor of this letter, to perceive your Lordship's acquiescence in the measures I have adopted, as well to ascertain the extent to which the pamphlets respecting the Mussulman religion have been circulated, as to prevent the future distribution of works of that description.

3. I am also informed, that the several copies I did myself the honour to send down to Fort William on the 10th instant have been received.

4. Your Lordship in council have been pleased to observe, that subsequently to the despatch of your first letter, information had been given of the distribution of other pamphlets and treatises printed at the press of Serampore, containing strictures on the religion of the Hindoos and Mahomedans, equally offensive with those contained in the first translated extract; moreover, that the Missionaries and their converts were in the habit of preaching publicly in the town of Calcutta.

5. Having considered it my duty to ascertain all facts with regard to this unpleasant affair, in order thereby to convince my superiors of the absolute necessity on my part to suppress the issue of all works regarding religious discussions from the press of Serampore, I have directed the Missionaries to furnish me with a translated copy of the pamphlet in the Hindoostanee and Bengalee language, which I have now the honour, enclosed, to transmit for your Lordship's inspection. The errors of the Mahomedan and Hindoo religion are (as cannot be denied) developed in this pamphlet; but I humbly beg leave to observe, that I do not find the expressions made use of so offensive, as those contained in the Persian pamphlet, in which the Mussulman religion and its founder are exposed in a manner I certainly did not approve of; I further beg leave to observe, that the Bengalee pamphlet alluded to in the 5th paragraph of your Lordship's letter, is not the production of yesterday, or of a late date, but has been in circulation since the latter end of the year 1804, or from the beginning of the year 1805. The habit of the Missionaries of preaching publicly in the town of Calcutta, on the topics of religion, is also nothing new, but will on due examination be found to have been practised there by them for nearly five years back, in which time no notice has been taken of their proceedings, nor has disturbance to my knowledge been the consequence thereof.

6. As it appears by the 9th paragraph of your public letter, that your Lordship in council entirely disapprove of the Missionaries issuing publications directed to the object of converting the natives to Christianity, I have, in order to evince the British Government of my utmost desire to manifest every practicable attention to the fulfilment of their wishes, prescribed such rules for the Missionaries, as will effectually preclude them from the possibility of acting contrary to your Lordship's political views in future. The press at Serampore is consequently suppressed. As far as may concern religious matters, the translation of the Bible and the New Testament is forbidden, until I can have the honour of

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of your advice and sentiments, whether the circulation of the Bible in the Bengalee language is to be included in your Lordship's prohibition.

7. Having now, as I hope, given the strongest proofs of my readiness to meet your Lordship's wishes, and also my determination to restrain such irregularities as might give offence to the British Government in India, I humbly request that your Lordship in council will desist from urging the measure of having the press transferred to the Presidency of Fort William, a step which will not only cause the ruin of the Missionaries, but will likewise be highly prejudicial to his Danish Majesty's settlement Fredericksnagore, where the press is constantly made use of, as well with regard to the publishing of regulations within our own limits, as also for advertisements of all public and private sales.

I avail myself of this opportunity to renew the high consideration and respect with which I have the honour to be,

My Lord, and honourable Sirs,

Your most obedient and most humble servant,

(Signed) *J. Krefting*,

(Signed) *Printzling*,

Secretary to Government.

Fredericksnagore, the 30th September 1807.

Some Account of Mohummud.

THE name of Mohummud's father was Abdulla; he died while young, and Mohummud was very poor, having only five camels and one maid servant. 571 years after the birth of Jesus Christ, Mohummud was born at Mecca in the Khoreish tribe. When he was 13 years of age, his uncle took care of him, and placed him in the service of a widow, whom he afterwards married; and by her wealth, became one of the richest men in Mecca.

From that time he, forming the idea of becoming a prophet, retired every year to a cave in the mountain Hara, and after some time, taking his family thither, told them that the angel Gabriel had appeared to him, and said "God has appointed thee to become a prophet." His wife and his uncle's son hearing this, believed it. Mohummud declared this at the age of forty, and very few became Mussulmans till after he was forty-three years of age, but by degrees his followers increased. When he was fifty-two years old, he told the people that one night he had gone from Mecca to Jerusalem with an angel, and from Jerusalem to Heaven, and had conversed with God; but when some of his followers heard this imposture, they deserted him. Mohummud, till he was fifty-three years of age, gained disciples by persuasion, after which, he declared that God had commanded those who would not embrace the Mussulman faith to be destroyed, and upon this, his enemies at Mecca sought to kill him, wherefore he fled to Medina. After this, he made war with his enemies, in which sometimes he prevailed, and sometimes they.

Seven years after his flight, he sent messengers to the neighbouring princes, attacking those who despised his message. Eight years after his flight he conquered Egypt, Syria and other countries, and also made himself master of Mecca: eleven years after his flight he died, but all Arabia were Mussulmans before his death. After his death, his followers by war obliged Hindoostan and other countries to embrace the Mussulman faith. The leaves of the Koran had been found in a chest after his death, and Abubeckar, one of his followers, putting those together, formed the Koran as it now is.

Mohummud had nine wives, and occasioned the death of many thousands of people, on which account we say that he is not a true prophet, nor in any respect the friend of God, as a murderous robber cannot be the friend of the governor general.

Mohummud deceiving, said, "I received the Koran by degrees from the angel Gabriel." When he wanted to delude the people, he would say, "I have this command from God through the angel Gabriel."

Many of the words of the Koran are found in other books; how therefore could Mohummud say, that he received the whole from God by the angel Gabriel?

We say that the Koran is not the book of God, because it does not prohibit all sin: it encourages men to commit adultery, to fight and to destroy others; but the Law, the Psalms and the New Testament, prohibit every sin and every sinful thought.

We say that the Koran cannot be the word of God, because Mohummud said, he was a prophet to establish the Law, the Psalms, and the Gospel; but in the Gospel it is written, that whoever adds any thing to these three by any other book, God will cast him into Hell. Why then did Mohummud write the Koran?

We say that the Koran cannot be the word of God, because in it is a very great mistake —the way of salvation. Behold, in the Koran it is said that men go to Heaven by these four works: alms, prayer, fasting, and pilgrimages to Mecca; but the Law, the Psalms, and the New Testament, firmly declare, that none can go to Heaven by his own works: and that Adam and Noah, and Abraham and Moses and David, and all the other prophets mentioned in the Law and the Psalms, repenting of their sins, rejected their own righteousness and trusted in the death of Jesus Christ. The Law, the Psalms, and the Prophets declare from beginning to end, there can be no other way of salvation besides dependance in the death of Christ. Therefore in the Law, the Psalms, and the New Testament, this the way of

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salvation is ascertained; but the Koran leaving this way, has instituted another. How therefore could Mohummud say that these three books and the Koran are equally the word of God? for God has instituted only *one* way of salvation.

We say that the Koran cannot be the word of God, for it is written therein that the happiness which people will obtain in Heaven, will be such as arise from a man's committing adultery with many women. But the Bible says, that the happiness of Heaven consists in constant purity of mind, in the joy of the heart and abhorrence of sin.

We say that the Koran cannot be the word of God, because it is said therein, that every thing comes by fate, from which, all say when they have sinned, "we do just what God causes us to do;" and thus have no fear respecting sin. The Bible says, that man sins voluntarily, and that God never causes man to sin.

As the Hindoos having forsaken God, worship idols, that is, praise, serve, and sacrifice to Devils; so you likewise forsaking God, perform prayer, oblations, &c. before peers; but what are peers besides idols? And as the Hindoos having made an image, call it Krishoo Doorga, and worship it, so you, calling a Darga the soul of a departed saint, offer to praise and worship it; therefore, both they and you, leaving the true God, serve another. There are also among you other customs of the worshippers of Devtas particularly, you regard cast, which the Mussulmans of other countries do not; disregarding the purity or impurity of the mind, you, like the worshippers of Devotas, regard only the purity or impurity of the body; at the feast Sabrat you perform the Shraddha for fourteen generations, and mentioning their names, pray to the peer for their salvation. At the time of Bukreed, he whom you call Rozdar, making a place in the earth, remains therein only through pride, and for the sake of a little gain. At the time of the Mohurrum, you make images of Hussen and Hosein, and worship and praise them, and the people ranging on the two opposite sides of Hussen and his adversary, take weapons and fight, and sometimes many are killed. At the festival Bara, you making a number of images, worship them, and indeed at all your festivals you make illuminations and other unmeaning shows, and not praying to God in secret, read your prayers in public, merely to be seen by men; and indeed they who read the Koran, instead of reading in private, that their minds may be fixed on God, read with a loud voice in public, only to be heard by men; and he who gives alms, only does it to be seen of men. Where many are collected, there you, on an elevated seat, sit and dispense your alms.

By all these and many other proofs, we know that the way of the Mussulmans shaster is certainly wrong, for of those who are great sinners, no one has a wish to leave sin, nor to obtain a pure heart through the favour of God; but innumerable sinners, believing in Christ, have forsaken sin and obtained purity of heart.

O beloved Mussulmans! why are you absorbed in this destructive delusion? Pray to Jesus Christ,—no one can serve you but he alone: He has been more gracious to you than any one, for to save your souls he gave his own; and the sins of all who trust in him, he hath borne in his own body; and he by the Holy Spirit prepares their minds for the enjoyment of the eternal happiness of Heaven.

(A true Copy.) (Signed) *J. Marshman.*

(True Copy.) (Signed) *N. B. Edmonstone,*
Secretary to Government.

(Copy.)

His Excellency the honourable J. Krefting, Esq. &c. &c. &c.

Honourable Sir,

WE have the honour to acknowledge the receipt of your Excellency's letter, under date the 30th ultimo, in reply to our Address of the 15th of that month, and to repeat the expression of our cordial thanks for the additional proof which the contents of it afford of your Excellency's disposition to promote the wishes of this Government. Actuated by a corresponding solicitude to accede, on every practicable occasion, to any proposition on the part of your Excellency, directed either to your individual accommodation or to the interests of the Danish Government, we have great satisfaction in revoking the requisition for the transfer of the press of the Society of Missionaries from Serampore to this Presidency.

2. We have no doubt that the Missionaries will be disposed to observe the restrictions imposed upon them by your Excellency, and by this Government, relative to the publication of works offensive to the religious prejudices of the natives; but as the judgment of the Missionaries respecting the tendency of works which they may desire to publish, and which are intended for circulation within the territory subject to the British authority, may possibly differ from our own, we are satisfied that your Excellency will concur in the propriety of requiring the Missionaries to submit to the inspection of the officers of the British Government, works of the above description, previously to their publication.

3. We are fully convinced of the rectitude of the intentions of the Society of Missionaries; and the precautions which we deem it necessary to adopt against the unlimited employment of the press, proceed exclusively from the duty imposed upon Government of reserving to itself the authority to determine what publications may or may not expose the public tranquillity

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tranquillity to hazard, or involve a violation of the public faith; instead of leaving the decision of such important questions to the judgment of others.

4. Your Excellency having been pleased to refer to us the question, whether a translation of the Bible in the Bengallee language, is included in that description of books of which we are solicitous to prevent the circulation, we have the honour to state, that we are not aware of any objection to the promulgation of the Scriptures in that language, unaccompanied by any comments on the religions of the country.

We have the honour to be, &c. &c.

Fort William, 5th October 1807. (Signed) MINTO, G. H. BARLOW, J. LUMSDEN.

(A true Copy.)

(Signed) *N. B. Edmonstone*, Secretary to Government.

(Copy.)

To the Reverend W. Carey.

Sir,

I AM directed to inform you, that on a consideration of the circumstances stated by the Society of the Missionaries, in a Memorial addressed to the Right honourable the Governor General, under date the 30th ultimo, relative to the injury to which the Society would be exposed, by transferring the press from Serampore to Calcutta, the honourable the Governor General in council has been pleased to revoke the requisition to that effect, communicated to you in my letter of the 8th ultimo; the Governor General in council, however, deeming it his duty to establish a controul over the publication of works intended for circulation within the territories subject to the British authority, thinks it necessary to require the Missionaries to submit to the inspection of the officers of Government, works of the above description, previously to their publication.

2. ON this occasion, I am directed to state, that the Governor General in council is fully convinced of the rectitude of the intentions of the Society of Missionaries; and that the precautions which Government deems it necessary to adopt against the unlimited employment of the press, proceed exclusively from the duty imposed upon Government of reserving to itself the authority to determine what publications may or may not expose the public tranquillity to hazard, or involve a violation of the public faith, instead of leaving the decision of such important questions to the judgment of others.

I have the honour to be, &c. &c.

Fort William, 5th October 1807. (Signed) *N. B. Edmonstone*, Secretary to Government.

(True Copy.)

(Signed) *N. B. Edmonstone.*

(Copy.)

To N. B. Edmonstone, Esq.

Sir,

I HAVE had the honour of receiving yours of the 5th instant, stating that the Right honourable the Governor General in council had, in consideration of circumstances, been pleased to dispense with the requisition relative to transferring the press to Calcutta, communicated in your letter of the 8th ultimo, although deeming it his duty to establish a controul over the publication of works intended for circulation within the British territories, his Lordships in council had thought it necessary to require the Missionaries to submit to the inspection of the officers of Government, works of the above description, previously to their publication.

2. The Society of Missionaries desire me on this occasion to communicate to you, that they cannot but feel duly affected with this instance of the consideration and goodness of the Right honourable the Governor General in council, and entreat you to convey to his Lordship in council their deep sense of this favour.

3. The Missionaries desire me also to express the sense they have of the goodness of the Right honourable the Governor General in council, in entertaining so favourable an opinion of the rectitude of their intentions, and to add, that conscious of their earnest wish to promote the public tranquillity by every means in their power, they shall feel happy in complying with the wishes of the Right honourable the Governor General, as expressed in the first paragraph of your letter.

I have the honour to be, &c. &c.

Mission House, Serampore, 20th October 1807. (Signed) *W. Carey.*

(True Copy.)

(Signed) *N. B. Edmonstone*, Secretary to Government.

A.

DISTINCTION.

No. 7. Enclosures in Govr Genl's Letter, 2 Nov. 1807; relating to Missionaries.

BELOVED Hindoos! attend to language of affection. Why do you constantly say that Crishn and Christ are the same? I will point out the Distinction, and do you judge; for he is a brute, who will not make enquiry. Let him be espoused who upon enquiry shall be found to be the true Lord; be not fearful in so doing.

Crishn was incarnated for the destruction of Cangsa—Christ incarnated to ransom sinners. Crishn was incarnated on account of a war. Know verily that Christ is the redeemer of all. Crishn called the attention only to worldly prosperity—Christ instilled doctrines for redemption in the next world. Chrishn only studied his own comfort; the distress of sinners never occurred to his mind; he passed his time in gambols with the milkmaids and playing the flute.—Christ always spurned at his own comfort, and with his own body washed away the distress of sinners: He gave sight to the blind, life to the dead, speech to the dumb, hearing to the deaf: He is God, who has compassion and mercy. Beloved brethren! hear and judge. When Crishn fought with the Demon Saloo, he was not capable of protecting himself, and if India had not assisted him, Crishn would have been killed by the hands of the Demon Saloo.—The Lord Christ of his own mercy wiped away sins for the salvation of sinners. He endured endless sufferings in body to avert the punishment of sinners in hell.

When the bosom friend of Crishn fell into misfortune, Crishn was unable to go to his assistance.—Christ was capable of all things, at all times; and on all those who put their trust in him, he has bestowed salvation. When sinners come, he takes them under his protection, and they obtain salvation for ever from the torment of hell.

He is the true Redeemer and Omnipotent. Brethren, take heed and judge. Crishn was very angry when he suffered reproach: he abused India on account of the flower Parijaut—Christ was firm under the greatest reproach, and studied to return blessings.

Crishn was the instigator of a very great war between two parties and therein an army of eighteen* Aeshauhini was killed—Christ shed his own blood to atone for sinners, and thereby innumerable sinners have obtained salvation.

He whose forgiveness is infinite is the true God. O beloved Hindoos! judge of this: Crishn caused his pious friend Judhisthir to speak falsehood, for which Judhisthir was cast into hell. But how much distress did Christ suffer for his enemies, to procure them eternal happiness in heaven.

Those who worship Crishn do not ever obtain purity in mind. But many wicked sinners who have undertaken to serve Christ, have renounced sin and become pure in mind—He who teacheth wicked sinners to become faithful.

Hear, O beloved brethren! he is the true Redeemer. Why do you worship one who has neither compassion, mercy, the power to save, religion, or power,—why is he your all?

What salvation can he bestow on you, who plungeth his own friend into sin,—can he who has not power to save himself, redeem you?

O beloved Hindoos! worship him who is infinite mercy, who has compassion, holiness and power: He is the Redeemer of all, who is called Christ: He has power to grant salvation to the greatest sinners.

He calls and says, receive my words and be delivered from terrible hell, you shall obtain the remission of sins. O holy minded and true, in the next world he will give you the eternal riches of heaven. Hear, brethren hear, why do ruin your own souls, why do you not accept of such inestimable salvation? If you accept it, you will quickly be wafted over the ocean of sin; but if you do not, you will never obtain salvation.

Printed at Serampore, 1807, or 1213. (True Copy.) (Signed) *N. B. Edmonstone*, Secretary to Government.

B.

The FORERUNNER of the HOLY BIBLE.

HEAR, O worldly men! hear with an attentive mind, how you may obtain salvation from terrible hell. None of you seek for that; your thoughts are constantly employed about money, about all these trifles, and this world; every one of you is incessantly contemplating this world; all these things will be necessary but for a short time; after death you will by no means have property. Know all of you, that on being born you must die, and that after death you must either go to heaven or to hell, and without remission of sins you cannot go to heaven; with downcast countenance you will be cast into awful hell. What is hell like, or what sort the torments in it? Be informed, no one of you thinks of making himself acquainted with that. Insufferable hell is filled with everlasting fire, which will never be extinguished. On falling therein, brethren, there is no further preservation, the end of eternity is a beginning to it. Ye are afraid, but afterwards fall into this awful hell. Beware, beware of this inextinguishable fire, make Christ your asylum, take an asylum, for without that, no one of you will obtain salvation. Both Hindoos and Mussulmen

* An army consisting of 21,870 chariots, 21,870 elephants, 109,350 foot soldiers, 65,610 horses.

No. 7. Enclosures in Govr Genl's Letter, 2 Nov. 1807; relating to Missionaries.

Mussulmen have many sasters, the object whereof we have strictly examined, and there is no work of time redemption among them; they are sasters for the amusement of children, they are like tales.

In the Hindoo susters there is an account of ten incarnations; let me plainly state them, and listen. In the first place there was Narrayn in the form of a fish, for the protection of Sateebroto.

The second was a tortoise, for the support of the earth; the third a boar, to lift it up; the fourth was the man lion, to destroy the demons; in the fifth, the dwarf took Bali to hell; in the sixth, Parrusram destroyed the Khitrees; in the seventh, Ramchunder killed Kabon; in the eighth, Christna killed Cangra; and in the ninth, Buddha manifested the Buddhites. And if the story of the nine incarnations be true, still there is no redeemer. What will you do, how will you be redeemed from sin?—but we will point out a remedy.

We formerly had a similar sastra, but when we obtained the Great Sastra, we renounced that. Allow us to give you some information concerning it. If you be desirous of a remedy, attend and hear.

At that time, when the Almighty had finished the creation, he gave a mighty order to all men. He gave an account of heaven and hell. He pointed out the distinction between right and wrong. Hear all of you my infallible order, what I say, I will do, that is certain. If any be pure and practise holiness, I will give them matchless glory in heaven; but if any one sin, I will certainly cast him into eternal fire.

This is the primary order of God, after which mankind became wicked, and God knew it, but there was no redemption, and he ordered that some remedy should be provided. Through his mercy there was a provision for the redemption of sinners. If any person should assume birth on earth, and take upon himself the torment of sinners, those sinners who sincerely believe in him should be redeemed; and there was an incarnation of Jesus, the protector of the unprotected, full of the splendour of God, having been separated from his body in a column of splendour before him. He said, "I "will take birth on earth, and suffer all the "torment of sins on my body. Whatever "sinners take refuge under my protection, "you will grant them salvation." God said, "Yes, this is my promise, I will redeem "them. Mortals are under thy protection." After which, the Lord was conceived in the country of Judea, according to prophecy, in the womb of a woman. During his life on earth, he took the name of Jesus Christ, and he performed many miracles in various places. The blind received sight, the dead, life; he did many such miracles, he was so great. And he fulfilled the sayings of the prophets, and was killed by the hands of the people of his own nation, and gave up his life under various kinds of torment, and after three days he arose again; and because he suffered torment in his body for sins, therefore he was denominated Saviour of Sinners.

Christ did not die like people in general; he suffered much torment, and died miraculously.

When he took upon himself to suffer for us, his torment was intolerable; amidst these sufferings, he called out and said, "O God! why hast thou forsaken me, and left me in the hands of sinners?" And they spit upon him, vexed him and mocked him, and put a crown of thorns upon his head, and fixed his feet and hands upon a cross with nails, and when they had inflicted severe punishment upon him, they killed him; they pierced his breast with nails, and exhausted him, and when he shed his blood, they caused him to drink vinegar mixed with galls, and having tormented him in this manner, they killed him; they fastened two thieves, one on his right hand and one on his left, and when they had disgraced him in this manner, they killed him. In this manner died the Saviour of the World. On his own body he suffered the torment of sinners; and it was requisite for him to do so; without that, God would not have redeemed mankind. He paid the ransom of all sinners, and according to the security which he gave, so it came to pass. His death was the preservation of our life; his sufferings were the source of joy to the whole of us; the sufferings of Jesus Christ atoned to God for the torment of eternal Hell fire. God accepted of all that, and the faith of Jesus Christ, for the sake of sinners. He accepted of the death of Jesus Christ in exchange for the eternal death of sinners. As righteousness was the garment of Jesus Christ, so let us make faith in him our vesture. We go before God after death. Can you go in the presence of God? You cannot go before God by taking the name of Ram Chrishn Sheeb, or any other deity, seeing all those sinners was an abomination to the Lord. They will suffer eternal torment in awful Hell; but it is a great consolation to his mind to hear of the works and name of Christ.

Christ is now with God for the redemption of sinners who worship him. Those who die worshippers of him on earth, he cheerfully takes to the mansion of Heaven. Hear, hear, O people! hear my words. A copious work on this subject, named the Gospel, was first in the Hebrew and Greek; from these, the English made a translation of it; but not they alone; various other nations made a translation of this great and principal Sastra. The French, Dutch, Germans, Danes, Armenians, and various others, copied it. It went to America and Africa, and all other countries, and to all the principal islands. This holy book went to all these countries, and even in Malabar it was translated into Hindee. Whoever obtained this holy book renounced all previous sastras, and espoused it. It has now been translated into the Bengally language, and printed. Any one who wishes to hear this work, may come to Serampore, and we will read it to him.

Printed at Serampore, 1806—1213.

(A true Copy.) (Signed) *N. B. Edmonstone,*
Secretary to Government.

C.

Book called "The RISE of WISDOM."—(In verse.)

No. 7. Enclosures in Govr Genl's Letter, 2 Nov. 1807; relating to Missionaries.

1 Hear a mortal with an attentive mind, this discourse about Salvation, a mysterious subject.

2 If you be not saved, and fall downward, thy misery then, O brother! will be great.

3 Who can describe the extent of that misery? it cannot, O brother! be conjectured by the deepest reflection.

4 You know nothing of it, you have not heard of it, how can you know then the reality of it?

5 In that unquenchable fire which is beyond the power of description or contemplation, they who are in hell are crying and lamenting.

6 What will be the remedy, O brother! if you fall into it, the torments are manifold, where will you find an end to them?

7 The sufferings of hell, O brother! are endless; there is no end to them, and they are extremely severe.

8 Many of you have the sastras compiled by men, and say, "if we commit deadly sins "now,"

9 "We shall remain some time in hell, "and having received due punishment, be "born again on earth."

10 All these are vain hopes, false and deceitful; no wise man entertains them.

11 You do not know the distinction between Righteousness and Sin, or Heaven and Hell; you have become ignorant, from the use of the misleading shastras.

12 Moreover, the shastras of this country say, that men who reason the truth of the Vielas, will be born Chandalas.

13 Through this fear nobody investigates them, in consequence of which, this pernicious shastra is not exposed.

14 The Brahmans, with a view to their private gain, never allow the Shadras to read them.

15 The ignorant Shadras, who are not remarkable for understanding, dance about by command of the Brahmans, as the monkies of a monkey dancer.

16 They put the most implicit confidence in the words of Brahmans, not knowing that the Brahmans are deceitful and wicked.

17 The Brahmans composed written works for their own gain, to deceive the Shadras.

18 Hear, hear, O Brahmans! we speak to you all. It is but just to assist those who are under your protection.

19 All the Shadra race that are here, serve you as your servants.

20 They are perfectly confident that they will obtain salvation from the feet of Brahmins.

21 But you have propagated false and deceitful shasters, in order to take their property.

22 What conduct is this that you practice, O Brahmins! how can you practice so much fraud through coveteousness for wealth?

23 Had you taken the money of the Shadras by practising any other mode of fraud, so many of them would not then be doomed to hell.

24 They take your words to be the doctrine of righteousness, while you do evil actions and deceive them.

25 Let riches be lost, and even put life out of the question; but you have made them depart from righteousness, and doomed them to hell.

26 Many have fallen in that vast and unextinguishable fire of hell, and are incessantly crying out, O save, save, save!

27 Now what are they to do, say, O Brahmins! what remedy is there for them?

28 You diffused a false doctrine for the sake of wealth, and have effected the total ruin of all.

29 You have thrown a vast number of the most excellent of the creation, into hell fire; do not suppose your ancestors have escaped safe.

30 They are likewise suffering great torments in hell, with their families.

31 You will not believe that now, you are intoxicated with pride, and hearing you will not hear.

32 Discontinue this deception, O Brahmins! free yourselves from pride, never put deception and guile into practice any more.

33 All these Shadras are ignorant, and have no understanding; they immediately do whatever you tell them.

34 They are entirely under your protection; what great advantage is there in deceiving the protected?

35 For the sake of trifling gain to destroy those who have no other asylum left, is certainly a great injustice.

36 Hear, O Brahmins! you will never derive any good by deceiving all those ignorant people.

37 For a transient pleasure in this world, do not thus consume in hell those who have taken your protection.

38 Who else has such refuges? for the Shadras say, the Brahmins are gods.

39 Say, O Brahmans! what honour is there greater than this, they reverence you as gods, while you are the most despicable of men.

40 They have such faith in your words, that they all say, all the holy places are concentrated in the foot of a Brahman.

41 They receive the water of your feet, and believe it to be the Supreme God himself; and apply some of it to their breast, some on the head, and drink part of it.

42 All the Sadras have ever been under your subjection, as dogs are ever attendant on European gentlemen.

43 They do whatever the European gentlemen direct them, and throw themselves into water on a signal given.

44 All men serve you in this manner; the women also, confiding on what you say, commit themselves to flames on the death of their husbands abroad.

45 They take your words to be the most essential; they believe them, and sacrifice themselves.

46 Speak, O Brahmans! such you have seen occur

No. 7. Enclosures in Govr Genl's Letter, 2 Nov. 1807; relating to Missionaries.

occur in the world, still you have not the smallest grain of compassion.

47. You are ever meditating how you will obtain their property, by rehearsing deceitful shastras to them.

48 What sort of men are you, and what sort of usage is yours; is there not the smallest degree of pity and compassion in you?

49 They put confidence in your words and believe them; but how are they to know that you are treacherous?

50 You are deceivers; malicious, artful, pernicious and profligate, and thus destroy those who are under your protection.

51 What do you think in your own minds? speak, speak, O Brahmins! declare the truth.

52 Perhaps you say, "We are born Brahmins, eminent above the four classes, and are very great men."

53 "We will pass our days here, practising fraud, and ascend heaven in a car in glory.

54 "We are tutors of all, being of the Brahmin tribe, and the Lord of creation will not write down our sins.

55 "But should there be sins laid against us at any time, we will say the Gayatri once, and wash them away."

56 With such sentiments, and practising fraud, you conceive that the dangers of this life are to be surmounted.

57 You are perhaps confident of this thought, "We are the most rare race of created beings in this world.

58 "We shall never be subject to torments for sin; we shall go to heaven after death in the most easy manner."

59 This hope shall vanish. Hear, O Brahmins! you are all the meanest of mankind in this world.

60 All other people committed sin through ignorance, but your sufferings shall be greater than theirs.

61 You are deceivers, the betrayers of confidence and profligate; you have destroyed others by deception.

62 You now hope to go to heaven in an easy way; never entertain such a vain hope.

63 You are the greatest sinners in this world, and have moreover deceived every one by deception.

64 There is not deception only, but breach of confidence; who else can be greater sinners than you?

65 Treachery in this world is but a slight matter; they do not practise it in the next world, therefore your hopes are vanished.

66 What have you done, O Brahmins! what have you done! you have afflicted those who took refuge with you, and have thrown yourselves into hell.

67 Why have you committed such foul actions, O evil minded! if you desist now, you will be saved.

68 Do not be angry, O Brahmins! we are giving you good advice; be attentive and hear a wonderful story.

69 You do not daily compose, we suppose, such useless shastras as are extant now.

70 You are now obtaining the means of your livelihood through all these shastras and ancient books.

71 You know yourselves, that your ancestors composed all these.

72 They wrote all these false shastras for the purpose of elevating their own tribe.

73 Such is the root of this your trade; you deceive, take money, and preserve your tribe and families.

74 Hear—we speak to you by entreaty—never commit such foul actions.

75 Do not be guilty of sin, we tell you, O Brahmins! and do not burn yourselves in hell so easily.

76 Hell-fire is dreadful, in which there is nothing but torment; and what those torments are no body can describe.

77 In hell the torments are infinitely greater than can come within conception.

78 Those sufferings are eternal. Hear, O Brahmins! he who once comes under them,

79 Has no relief from the same at any time, he is without remedy; know this for truth.

80 Your ancestors lived before you, and died in the practice of these deceitful shastras.

81 Who can describe their misery, O brethren! they are lamenting in hell, from which there is no relief.

82 You will not believe all this now, but you will know it immediately after you quit your bodies.

83 When your souls quit your bodies, your understanding will be as radiant as the sun.

84 Then your soul will see all clearly, and perceive all that you have been, either good or bad.

85 After death the righteous are exceedingly happy, but the sinners are unhappy in the same degree.

86 Hear, O despicable Brahmins! and be attentive, if you are in the practice of these acts.

87 No sooner you are dead than your souls shall quit your bodies, and have a clear understanding.

88 Whatever you have done shall then clearly appear; you will be exceedingly astonished and tremble inwardly.

89 You will then see all these things yourselves, and know that there is no remedy.

90 You will then see that there is no place to flee to, you will lament and fall downward.

91 "What have we done—what has happened to us—why did we sin?"—You will reflect thus yourselves and be afflicted.

92 "O there is no remedy left for us!"—You will say thus, and all of you go to hell.

93 The vast hell-fire is burning in great flames; the fire of hell is not trifling.

94 That hell from which there is no relief, is the wrath of God; it has no end, nor is there any likeness thereof.

95 Such will befall those who are thrown into it, there is death, but the torments are great.

96 The body will not be consumed at once, but will burn by slow degrees as sawdust.

97 When it has burnt for an eternal length of time, even then not a single hair of the body shall be consumed to ashes.

98 Nothing can be said of the torments in hell, such dreadful sufferings shall be your lot, O Brahmins!

99 Do not be angry, O Brahmins! I will relate you something else—attentively hear it.

100 You do not know all this, but you think and say, "We act according to our "own shastras.

101 "Our shastras are great, they are dictated by God, there is no doubt of this.

102. "We perform the acts enjoined by "religion, and he who acts otherwise shall "go to hell.

103 "We perform the morning avocations, bathe in the morning, and say the "morning prayers, and perform the religious "ceremonies; and also perform the noon "and evening ceremonies without interruption.

104 "We are always pure, and never "commit any sin; we say the Gayatric in "the day and night.

105 "We have frequented many holy "places, and bathed in the Ganges; we "have lived at Benares for a long time.

106 "We have atoned by expiations the "sins we committed willingly.

107 "We have many times bathed in the "Ganges, by which act men are rendered "free from sins.

108 "Some of us have families and manage household affairs, and perform the "anniversary funeral obsequies of our departed parents, and other religious acts.

109 "Some of us become Sanysis, and "roam about the world, having abandoned "our wives.

110 "We variously worship the images "and other things that we make, and also "worship Crishna.

111 "Having performed such pious acts, "we shall after death go to heaven in a "celestial car.

112 "But should we have ever committed "any sin, we have made an equivalent expiation, which is an atonement enjoined by "religion.

113 "Sins are washed away by expiations, "we shall therefore easily go to heaven, there "is no doubt."

114 "But should any die without performing expiatory acts, he shall receive the "rewards and punishments of his good and "evil acts.

115 "He shall receive the punishment "due to his sins in hell, and come back again "and be born on earth.

116 "We perform the expiations enjoined, and shall go to heaven chearfully after "death.

117 "We have done all this, and shall "certainly go to heaven;" but Carey says, "You have all fallen in a great error."

118 All these shastras were not composed by God; men wrote them for their private gain.

119 These are not shastras, but vulgar stories, and you never examine them.

120 If you investigate all those shastras, they will immediately appear to be vulgar stories.

121 There was some one vulgar and profligate person, he was evil minded, and acquired knowledge by personal exertions.

122 He composed those deceitful shastras, became himself a sufferer, and made others sufferers also.

123 Your pride is very great in the confidence of such shastras, the very hearing of which is considered sin.

124 Do you come, I will discuss your shastras, and convince you these are vulgar deceptions.

125 Relate the particulars of shastras, O Brahmins! a true shastra describes the path which leads to God.

126 Your doctrine says, "a man who dies "in this world,

127 "Goes either to heaven or hell, in "order to suffer for his actions, and after "some time is born again.

128 "After having passed eighty hundred "thousand different wombs, he is born of "the human kind;

129 "And having performed good actions, "he receives final salvation: after which, he "has no more trouble."

130 This is the language of a child, and a mere tale—how can such things be probable?

131 Answer all the questions which I put to you, O Brahmins! and your deception will immediately appear.

132 God is eternal; you do not know his end; his greatness is boundless, and his attributes infinite.

133 The universe consists of fourteen worlds, which the immense Male holds in the cavity of a single hair.

134 Such immense Males are created by Lacks every moment—who can ascertain such sports of deity?

135 Consequently no one can say whether God has a shape, or whether he is shapeless.

136 His mercy is eternal, so is his wrath, and his commands are equally so.

137 If God be such, and his commands be so, his anger and his mercy are both infinite.

138 Why do you not understand heaven and hell to be so likewise? righteousness and sin are never otherwise.

139 If one become righteous, he goes to heaven through God's kindness, but he commits the sinner to hell in his wrath.

140 Say, O Brahmins! if God be eternal, his kindness is also eternal, there is no doubt.

141 His anger is also such; it cannot be otherwise; and punishment of hell is likewise of the same kind.

142 If the act which he has forbidden, be called sin, it is a matter of the greatest importance, and not a trifle.

143 His prohibition is durable, as he is himself infinite and beyond conception.

144 God made hell alone to be the place of punishment for such sins.

145 It is boundless and without end, from which there is no exoneration, even in endless duration.

146 Say, O Brahmins! if any falls into it, how can he be delivered from it by trifles?—state the reasons for it.

147 He will receive an endless punishment for an endless transgression,—say, O Brahmins! how can salvation be got by a little?

148 If condign correction be received, it will not decrease even in endless and eternal time.

149 Do not put your trust in false religion, O people! for you shall certainly be undone by it.

150. Speak

No. 7. Enclosures in Govr Genl's Letter, 2 Nov. 1807, relating to Missionaries.

150 Speak, O Brahmins! how can you say that if one sins, he shall remain for some short time in hell.

151 In the confidence of this deceitful promise of yours, no body has the fear of sin in his heart.

152 I say a word, hear it all men; he who is born of flesh and blood,

153 And is subject to covetousness, forgetfulness, &c. is incessantly inclined to commit sin.

154 Independently of this, they receive hope from you that they will inhabit heaven after a short time.

155 They therefore attach the minds to sin, from which the wicked never return again.

156 People remain joyful in the delights of sin, and commit it by millions, in various modes.

157 In this manner every one gladly commits sin every moment until death.

158 They pass their time in the commission of sin; but Carey says, they will fall into great trouble after death.

159 When the soul quits the body and is off, she will be far from covetousness, stupefaction, desire and anger;

160 She will immediately have a clear understanding, and plainly see what is sin, righteousness, good and evil:

161 She will then see no remedy, and lament, and beat her head in despair.

162 Say, O Brahmins! what remedy shall she adopt—she will know you to be the cause of her ruin.

163 The Sudras are ignorant, their intellects is like that of beasts, and they do not examine this guile.

164 Your religion also directs, hear all men, the worship of the gods for the expiation of sin.

165 If a prince or a sovereign wishes to derive any moral good, you direct him to worship the Gods, and satisfies the Brahmins.

166 You say, worship the God of gods Mahadwa, (great God) who bestows salvation to sinners.

167 Hear, O Brahmins! hear with attention, this is most excellent advice; every one has said so.

168 The God of gods, Mahadwa, is himself God, and not otherwise, it is true.

169 Sins can be cleansed away by the worship of God, but put your belief in his commands, O men!

170 In the worship of God, there is approach to truth; but they did not teach you such, and deceived you.

171 You perform the worship thereof, with various articles, and think thereby to be saved from the torments of hell.

172 The ignorant Sudras say, "perhaps "it is so, and he who worships this Phallas "shall be saved."

173 Hear, O mean Brahmins! what are you? I do not know what sort of people you are.

174 Mahadwa, (the great God) is a word excellent in sound, Mahadwa certainly signifies God.

175 His form, O Brahmins! is unalterable: he is all luminous, and he alone perfectly happy.

176 Who can relate his greatness and his attributes,—you know what Pushadauta said in Mahimnna.

177 Who can tell his greatness and attributes! they are beyond words and conception.

178 Such a God of gods, and Creator of the world, you treat with indecency.

179 You deceive the people, and profane the gods, and say that all this is ordained in the shaster.

180 Hear, O mean Brahmins! you are all shameless. What occasion has God for male and female organs of generation?

181 For the sake of the world, he created male and female beings.

182 Carey says, Tell me, O Brahmins! what will be the case,—how will you get clear of the torments in hell?

183 When sin is committed, there is no relief from terrible hell—how will you receive deliverance from that dread?

184 Your shasters say, on the authority of the orders, that sins are cleansed away by expiation.

185 This is no great wonder, it is true. Suitable punishment is given for transgression.

186 If any one commit sin, and performs an equivalent expiation, he is saved.

187 The commission of that which is prohibited by God, is sin—his fire is eternal,—who knows the truth thereof?

188 As God is, so is his command; and know it for truth, that his prohibition is also the same.

189 Then know that sin is an important thing; it is everlasting, and certainly has no bounds.

190 Say, O Brahmins! that if sin be everlasting, what expiation equivalent thereto has been enjoined by the shastras?

191 You say, that if any one commit sin, he can be delivered from it by expending a few couries.

192 Say, O Brahmins! how have you judged in this matter? can couries of trifling value be an equivalent to eternal sin?

193 The treatise that you have written on expiations, is only to deceive for the sake of gain.

194 Say, O Brahmins! how you consider the case? consider this to be a shameful act.

195 Out of covetousness for a pittance of riches, you are deceiving and throwing people into hell.

196 The people are stupid, and void of understanding as beasts; they take your words to be the truth of all truths.

197 You deceive all these mean people. What good act do you perform?

198 What you relate to the people as a shastra, is not so, but guile and deception.

199 You also say that the Ganges is a deliverer of sinners; if men bathe in it they are free from sin.

200 Say, O Brahmins! what are the criterions of one delivered from sin; to whom do we call cleansed sin?

201 In the shastra it is said that all men are full of sin; know of nobody is free from it.

202 Evil actions and evil disposition are the cause of sin; and covetousness, insensibility, and so forth, are promoters of sin.

203 These

203 These are in every man; all men are sinners; there is no man ever free from sin.

204 The following is the characteristic of one cleansed from sin; it is said in your doctrine, if any person is ever free from sin,

205 He is immediatly endowed with a divine wisdom; and these are the criterions of a divine wisdom:

206 He always considers sin to be like that which is forbidden to be eat, and with him a pious act is like unto a delicious dish.

207 On the sight of sin, he runs away immediately: these are the criterions of one free from sin.

208 He never has an inclination to sin: say, O Brahmins! who ever became so?

209 He who always bathed in the Ganges ever since his birth, was never from his evil intentions.

210 Evil intentions and evil actions are alway equally the same to him; his mind is always the same, and never otherwise.

211 Say, O Brahmins! if the Ganges washed away sins, sinners would receive divine wisdom immediately after bathing in it.

212 All the shastras are nothing but guile and deception; they are false fabrications of yours for your private gain.

213 What abject people are you, confess, O Brahmins! you even define God to be abject.

214 You say that the Ganges is the deliverer of sinners, and that the great Vishnu himself became fluid.

215 The great Vishnu is himself God, and becoming liquid, took up his abode in Nahma's vase.

216 He afterwards took up his abode on the head of Shiva; and thus the great are becoming liquid is the deliverer of sinners.

217 You then describe him as a female, and set forth that he was the concubine of Raja Santanee Raja.

218 What an indecent expression is this, O Brahmins! We know not why you are so vulgar.

219 You deceive men and speak profanely of God; what sort of men are you, O Brahmins!

220 You do not entertain any fear, O eminent Brahmins! respecting that dreadful hell which shall be your lot.

221 You are inebriated with the intoxication of sublunary things, and do not see with your eyes; but dreadful hell cannot be escaped from after death.

222 Nothing can be said of the sufferings thereof; you will even suffer the most excruciating torments.

223 You do not think of these matters yourselves, O Brahmins! you are drunk with the intoxication of sports, and dance both night and day.

224 What do you dance, and what do you sing, or what is your common usage? Hear, there is certainly an awful will after death.

225 Dreadful will be your distress after death; you will fall into hell, and cry out, O save! O save!

226 Who can describe all those sufferings, O Brahmins! such great affliction will be the lot of you all, O brethren!

227 The eye of your understanding is blind; you have no consideration; and consequently, O Brahmins! you do not think of the matter.

228 Hearing these particulars respecting you, many of us were touched with great sorrow.

229 We consulted together, and came from Europe on ships.

230 Our coming here with an afflicted mind is only for the sake of averting your evil.

231 Hear, hear, O all men! hear the truth! We are sensibly afflicted with grief on your account

232 You and we are all born from the same stock, and therefore verily know that we are brothers.

233 If our brother falls into distress, the other brothers of his are never easy.

234 We see your distress in the same manner, and cannot close our eye-lids through grief.

235 Hearing all this in Europe, we have come here at different times.

236 We have seen here, after our arrival, more than we heard in Europe.

237 What is this that you do, O Brahmins? you make an image, and say, this is the most immaculate.

238 You bring heaps of eatables, and place the same before it, and worship it.

239 Say, O people, what is this style of judgment? You ridicule God! O licentious!

240 These terrible sins shall never be washed away, O people! What perdition is this that you effect without cause?

241 You will certainly receive punishment for all these acts, and not be saved from hell, out of which there is no release.

242 There is an immense fire in awful hell; they are crying and lamenting there.

243 There is no remedy when one falls into it; its torment does not decrease even in eternal duration.

244 Therefore, then shall be mighty affliction after death; but if care is taken now, it can be averted.

245 If your fear of hell be great, we can tell you the remedy thereof.

246 If you be attentive and hear, and if you keep this word in mind,

247 We can tell you a remedy, if you will abandon deception and fraud.

248 Hear all men; keep your mind steady; the words conveying the means to obtain salvation, are an ocean of nectar.

249 Attentively listen, all ye men, and we will recount the particulars how sins can be washed away.

250 Such was also the usage in our country in ancient times, afterwards teachers came there themselves.

251 They came and communicated this news, from which were received means to obtain salvation.

252 They brought happy tidings to our country, and thence was published the Book of Righteousness.

253 Such was also our religion before; after receiving the Book of Righteousness we were satisfied.

254 You are in the same manner great sinners, you do not in the least reflect on righteousness or sin.

255 You are all void of sense, and have no eyes to your understanding, and consequently are not at all uneasy about sin.

256 If

No. 7. Enclosures in Gov. Gen's Letter, 2 Nov. 1807; relating to Missionaries.

256 If you receive this Book of Righteousness, the eyes of your understanding will be opened, and you will see all.

257 Be attentive and hear with a steady mind; we will tell you the truth of happiness, a wonderful discourse.

258 Be attentive and hear; we will tell you how you shall be saved, and be washed from sin.

259 You are first anxious to commit sins, and afterwards consider of what has passed.

260 Quit all the worships that are in your country, and do not perform them any more, any of you.

261 Whatever worships and prayers you have made agreeably to your shastras, consider as useless and futile from this day.

262 All your doctrines are guilt and deceit, and are for the private gain of Brahmins only.

263 Forsake them now, and make your mind firm, and hear the word of Wisdom with a fixed mind.

264 Christ descended on earth for the purpose of expiating sins, as is written in the Book of Righteousness the Evangelists.

265 Believe in him and obey his commands; he alone is the protector of the friendless to save.

266 Who he is, where he is, whose son he is, and why he was born here,

267 How he was born, with all these matters, men are to be learnt from the Evangelists.

268 From which we will briefly relate you something, so that this Book of Righteousness be made public.

269 All the acts are therefore fulfilled. O sinners! come now to Christ.

270 The sinner who verily believes in him shall have nothing to fear of hell.

271 In order to expiate for great sinners, Christ received the torments of sin on his own body.

272 Christ suffered and quitted life, and became an ample expiation for sins.

273 Therefore, hear, O men, there is no more fear; come to Christ in order to be saved.

274 Obey his facile commands, and you sinners shall be saved through his righteousness.

275 We therefore have no more to fear, success and welfare are certainly ours.

276 Do not fear any more, O sinners! bear love to Christ, and you will be saved.

277 Do not entertain any fear of cast or race, these are finite and of short duration.

278 Cast never goes with any body after death, is was instituted here by Brahmins for the sake of gain.

279 Be acquainted with the Book of Righteousness, and Christ the essence of all. God says, every one shall be saved through him.

(A True Copy.)

(Signed) *N. B. Edmonstone*, Secretary to Government.

Extract of a Letter from the Court of Directors, to the Governor General in Council at Fort William in Bengal; dated 7th September 1808.

Para. 1. WE have received by the General Stuart, your letter of the 2d November last, addressed to the Secret Committee, on the subject of certain publications which had issued from the Missionary press at Serampore, and detailing the proceedings which you had thought it advisable to adopt with regard to them.

2. Whatever is connected with an attempt to introduce Christianity among the natives of British India, cannot but be felt as a subject of the greatest importance, and of the greatest delicacy, and we lament that circumstances should have occurred in any part of our territories, to call for the interference of our Government in matters of that description. We are anxious that it should be distinctly understood, that we are very far from being averse to the introduction of Christianity into India, or indifferent to the benefits which would result from the general diffusion of its doctrines; but we have a fixed and settled opinion, that nothing could be more unwise and impolitic, nothing even more likely to frustrate the hopes and endeavours of those who aim at the very object, the introduction of Christianity among the native inhabitants, than any imprudent or injudicious attempt to introduce it by means which should irritate and alarm their religious prejudices. That the publication which first excited your attention, as well as the paper which you transmitted to us, marked C. entitled "The Rise of Wisdom," is calculated to produce those effects, we conceive can admit of no doubt, and we entirely approve of your endeavours to interrupt the circulation of them. Indeed the Missionaries themselves seem to regret and to condemn their publication; perhaps some doubt might be fairly entertained whether a considerable part of the paper marked B. was of a nature to have excited similar feelings, if the other publications did not prepare the mind to receive with some jealousy any works which issued from the same press. In suggesting the possibility of this doubt, we by no means intend to convey any disapprobation of that prudent precaution which led you to prevent the further publication of this last, together with those which appear to us to be more unquestionably exceptionable. It is a matter of great difficulty to draw the line which should at once describe and characterize the publications which might be permitted to be considered as inoffensive; and at the same time distinguish them from those which a proper precaution would suppress; and at this distance from the scene of Government, we can only state to you those general principles which we are desirous should direct your conduct upon this point; for this purpose, we would refer you to a passage in our political letter to Fort St. George of the 29th May 1807, in which we briefly intimated, in the following terms, our sentiments of what the character and conduct

duct of Christian Missionaries in India, and the carriage of the Company's Government towards them ought to be. "When we afforded our countenance and sanction to the "Missionaries who have from time to time proceeded to India for the purpose of propagating the Christian religion, it was far from being in our contemplation to add the influence of our authority to any attempts they might make; for on the contrary we were "perfectly aware that the progress of real conversion would be gradual and slow, arising "more from a conviction of the purity of the principles of our religion itself, and from "the pious example of its teachers, than from any undue influence, or from the exertions "of authority, which are never to be resorted to in such cases." In the same spirit we would still wish to affirm as a principle, the desireableness of imparting the knowledge of Christianity to the natives of British India; but we must also contend, that the means to be used for that end, shall be only such as shall be free from any political danger or alarm.

No. 7. Enclosures in Gov. Gen.'s Letter, 2 Nov. 1807, relating to Missionaries.

3. With these two positions, which appear to us to be fundamental on the subject in question, the 30th Para. of your despatch now before us, in substance corresponds, for you there, after acknowledging "your entire conviction of the correctness of the state-"ment, which the Memorial of the Missionaries contains, relative to the motives and "objects of their zeal for the propagation of the sacred doctrines of Christianity," observe, "our duty as guardians of the public welfare, and even a consentaneous solicitude "for the diffusion of the blessings of Christianity, merely require us to restrain the efforts "of that commendable zeal within those limits, the transgression of which would, in our "decided judgment, expose to hazard the public safety and tranquillity, without pro-"moting its intended object." Agreeing then with you in general views on this question, and impressed with the necessity of leaving the application of these principles to the discretion of the Government upon the spot, we feel that we have but little further to suggest to you upon that part of the subject.

4. We observe with great satisfaction the temperate and respectful conduct of the Society of Missionaries, in the discussions which took place on the subject of the publications to which your attention was directed, and of the measures which you felt yourselves called upon to adopt; and we entirely approve of the permission which you granted to them of continuing their press at Serampore. Their residence at that place would probably be attended with little additional inconvenience to your Government, and we conclude, moreover, that the British authority has long ago been established at the different Danish settlements in India. We are well aware that the progress of the Missionaries, both Catholic and Protestant, for a long period of years, has not been attended with injurious consequences: their numbers have not been sufficient to excite alarm, and their general conduct has been prudent and conciliatory; and we have no reason to suppose that the mere circulation, in a peaceable and unobtrusive manner, of translations of the Scriptures, is likely to be attended with consequences dangerous to the public safety.

5. The paramount power which we now possess in India, undoubtedly demands from us additional caution upon this subject; it imposes upon us the necessity, as well as strengthens our obligation, to protect the native inhabitants in the free and undisturbed profession of their religious opinions, and to take care that they are neither harassed nor irritated by any premature or over-zealous attempts to convert them to Christianity.

6. In conveying to you our approbation of the controul which you had determined to exercise with regard to such publications as might issue from the press of the Missionaries, we trust that it will be found not only salutary to the interests of Government, but even satisfactory to the considerate part of the Missionaries themselves. They must be aware that it is quite consistent with doing all justice to the excellency of the motives on which they act, to apprehend that their zeal may sometimes require a check; and that it may be useful and necessary to introduce the controul or superintendence of Government; whose responsibility for the public tranquillity, will force it to direct its views to those political considerations, which the zeal of the Missionaries might overlook.

7. If, indeed, you had foreseen that the Missionaries would have shown that entire and ready submissiveness to Government, which their conduct has manifested, we think you would have doubted of the expediency of holding, under the circumstances you have described, a public proceeding upon their transactions; and we would only suggest, that if on any future occasion any fresh precautionary measures should become indispensable, and the interference of Government be again required, it would be desirable, in the first instance at least, to see whether a private communication from the Governor General might not effect all that is desired, without bringing into view the instrumentality of Government. Its authority cannot be seen actively to controul any of their proceedings, without exposing it to the inference of specially sanctioning and countenancing such publications and such conduct as it does not prevent, and thereby making the Government in some degree a party to the acts of the Missionaries, and making the Missionaries appear in the character of the agents of Government.

8. In adverting to your prohibition of the public preaching in Calcutta to the Hindoos and Mahomedans. At the time when we approve of this measure of precaution, we do not understand you to object to the Missionaries decently performing, at their usual places of residence, the duties of their religion, in chapels or rooms, at which admittance may be given to their Converts or to other Christians. We presume that the number of chaplains

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which we have appropriated for the performance of religious duties at Calcutta, is sufficient for all the British or other inhabitants of that place who comprehend the English language; but we do not recollect it to have been your intention to preclude other Christians there from hearing Divine Service performed in a language which they understand.

9. Having thus explained to you, as briefly as possible, the principles on which we wish you to act with regard to the Missionaries, it remains for us only to advert to your suggestion, that we should "discourage any accession to the number of Missionaries actually "employed under the protection of the British Government in India in the work of con-"version." You are of course aware that many of the meritorious individuals who have devoted themselves to those labours, were not British subjects, or living under our authority; and that none of the Missionaries have proceeded to Bengal with our licence.

10. Entertaining the sentiments which we have expressed in the preceding parts of this despatch, we are very far from disapproving of your having refrained from resorting to the authority vested in you by law, and enforcing its provisions in all their strictness against the Missionaries, and we rely on your discretion, that you will abstain from all unnecessary or ostentatious interference with their proceedings. On the other hand, it will be your bounden duty vigilantly to guard the public tranquillity from interruption, and to impress upon the minds of all the inhabitants of India, that the British faith, on which they rely for the free exercise of their religion, will be inviolably maintained.

No. 8.

Copy of a LETTER from the *Bengal* Government to the Secret Committee of the Court of Directors, dated the 7th December 1807, together with the several Enclosures accompanying the same; on the subject of MISSIONARIES: also, Extract of a Letter from the Court of Directors, dated 7th September 1808; in reply to the said Letter.

To the Honourable the Secret Committee of the Honourable the Court of Directors.

Honourable Sirs,

THE Governor General has judged it to be his duty to communicate to the Board, a Letter and Memorial addressed to his Lordship by the Reverend Mr. Buchanan, one of the Chaplains of this Presidency, in consequence of the measures adopted by this Government, relatively to the proceedings of the Society of Missionaries for the propagation of the Gospel, (the details of which we had the honour to report to your honourable Committee in our despatch of the 2d ultimo.) That Memorial containing animadversions on the measures to which we have adverted, introduced in a manner which we consider to be personally disrespectful to the Governor General, as well as disrespectful to the Government, and ascribing to both, motives and principles of action, of a nature injurious to the character of the British Administration in India; we deem it proper to transmit to your honourable Committee the enclosed copies of that Letter and Memorial, and at the same time to state such observations as the tenor of the latter appears to us to render necessary.

2. Of the acts which Mr. Buchanan has stated as the acts of the British Government in India, and the circumstances of which Mr. Buchanan has explained and censured under the present Governor General's supposed ignorance of them, the principal are those which formed the subject of our despatch to your honourable Committee of the 2d ultimo; and all are referred ostensibly to the prejudices and counsel of the officers of Government; and Mr. Buchanan has ascribed to the late and present Government, the adoption of measures directed to the object of opposing the progress of Christianity in India, on the foundation of opinions inculcated by its officers. The comments on the late measures of the present administration, contained in Mr. Buchanan's Memorial, are founded on the disrespectful and unauthorized presumption, that the Governor General, regardless of the first principle of his public duty, has blindly submitted to the guidance of the subordinate officers of Government, and adopted measures of the highest importance, without a previous consideration of their origin and tendency, and even without a previous knowledge of the nature of them; and your honourable Committee will observe, that Mr. Buchanan has described to his Lordship, as points of information, acts and opinions sanctioned by his own official signature as Governor General in council.

3. It cannot however escape observation, that the real design of the Memorial is to impute to the Government those principles of action which are ostensibly ascribed to its officers; and under any circumstances, it is incumbent on us to obviate a misconception of the motives and objects of the recent measures of this Government, which a perusal of the Memorial might occasion, if the errors of its statements should remain unexplained.

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4. With this view it is not necessary to enter into a discussion of the accuracy of all the facts alleged by Mr. Buchanan. It will be sufficient to notice those leading points of the Memorial on which is founded the extraordinary imputation of a systematic design, and an actual attempt, on the part of the present Administration, to support the interests of the religions of this country, by preventing the diffusion of Christianity within the limits of the British dominions in India.

5. Mr. Buchanan has contrasted the encouragement afforded to the propagation of Christianity under former Governments, with a supposed opposition to it under the last and present Administrations. It will be found however, that those proceedings of the Missionaries which have attracted the attention of this Government, are of a character entirely new, or such at least as had not come under the observation of Government. We allude to the practice of public preaching in the native language at the seat of Government, and to the circulation of printed works in the same languages, on topics and in terms grossly offensive to the religious prejudices of our native subjects.

6. With respect to the practice of public preaching to the unconverted natives of this country, on topics of this nature, we deem the prohibition of it to be consistent with the principles and practice of those countries in which the most liberal toleration is established for all religions, and consonant specifically with the principles and practice of the British Government and nation. In England, persons who profess the Roman Catholic faith, may assemble and assist at the performance of the rites of their religion in their own chapels, without opposition or molestation from the Government. So may the Jews celebrate the rites of their religion in their own synagogues; but we do not conceive the Catholic or Jewish Priests have ever claimed a right to preach publicly, not to their own flocks, but indiscriminately to His Majesty's protestant subjects, discourses for the express purpose of converting that whole protestant and Christian nation to the Catholic or Jewish religion, much less, publicly to revile and insult, in the most opprobrious and offensive terms, the tenets and ministers of the Church of England. If any indiscreet enthusiast of either of the persuasions above mentioned should hold a conduct so imprudent and so unjustifiable, and the magistrate should intervene and silence him, as he unquestionably would, we are persuaded that so reasonable an interposition of the magistrate would neither fall within the real and odious principle of persecution, nor experience that unmerited reproach from the mouths of the rational and ingenuous members of the religion attempted to be propagated in that manner. The late prohibition of public preaching in the native languages at Calcutta, was given occasion to, and rendered indispensable, by parties similar to those which we have just described, and was called for, also, by some peculiarities in the present times too obvious to need explanation, as well as by some actual indications of solicitude and incipient irritation in the minds of the native public of this city in consequence of those provocations.

7. Whether some regulation may not be devised, under which the celebration of public worship, and the decent performance of the Christian rites, may be allowed to native Christians, is an interesting point, to which we are neither indifferent nor inattentive. The indiscreet mode in which those duties were lately administered, coupled with other considerations of an occasional and we trust temporary nature, required in our judgment for the moment, the immediate suspension of a practice, which, in the form then given to it, threatened consequences prejudicial to the public repose, and not less adverse to the success of the pious purpose proposed by the Missionaries themselves.

8. In India, considerations of public safety are superadded, in a more than ordinary degree, to the obligation contracted by Government of protecting the rights and privileges of the subject; and we cannot doubt that the wisdom of every former administration in India, would have suggested the necessity of prohibiting this practice, if known to prevail in the manner in which it recently prevailed in the seat of Government.

9. Mr. Buchanan, by the tenor of his Memorial, has permitted a conclusion to be drawn, that printed works, of the nature described in the 5th paragraph of this despatch, have been circulated under former Governments without opposition or controul, and that the suppression of them is an innovation in principle, as well as in act, upon the practice of preceding administrations. The existing restrictions upon the press in India, however, have been in force during a long course of years, and it cannot be supposed that any former administration would have deemed it consistent with the public safety, or with the obligation of public faith, as pledged to the native subjects of the Company, for the unmolested exercise of their religions, to permit the circulation of such inflammatory works as those which we have lately had occasion to bring under the notice of your honourable Committee. In support of this opinion, we deem it proper to state the circumstances of a transaction which occurred during the administration of Marquis Wellesley, analogous to the proceedings of the present Government in suppressing the public discussion, either by preaching or by printed works, of topics offensive to the religions of our native subjects.

10. In the year 1804, the following subject of disputation, in the college of Fort William, having been proposed, viz. "The advantage which the natives of this country might derive "from translations, in the vernacular tongues, of the books containing the principles of their "respective religions, and those of the Christian faith:" the prepared discussion of which subject was reported to involve topics offensive to the religious prejudices of the class of Mahomedans: a number of the most respectable and learned of the Mussulman inhabitants of Calcutta addressed a Memorial to the Governor General, Marquis Wellesley, remonstrating

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strating against this supposed infringement of the unequivocal toleration which they acknowledged with gratitude the Government had till then afforded to the unmolested exercise of the religions of its subjects. In reply to this Memorial, a declaration was addressed to the memorialists, in the name and by the authority of the Governor General, in which, after adverting, as a fundamental principle of the British Government, to the solicitude with which Government not only abstained from all interference in the religious concerns of its Mussulman and Hindoo subjects, and from any endeavour to disturb their faith or to impede that full and free exercise of their respective religions which they enjoyed under the Mussulman Government, but even afforded additional facilities to them in the observance of all the rites, ceremonies, and duties of their respective persuasions; and after explaining to the memorialists the error of their apprehensions regarding the object and design of the disputation which had been proposed, and the real purpose of the disputations annually holden in the college of Fort William, and assuring the memorialists that the examination of any question whatever connected with the interests of religion, and especially the degradation of the religions of this country and the propagation of the Christian faith, were entirely foreign to the objects of the institution, the Governor General signified to the memorialists, that although, on perusing the proposed thesis, he perceived no principle of an objectionable tendency, yet that with a view to prevent the possibility of any apprehension on the part of the natives of this country that it might be the intention of the British Government to depart from the system of unlimited toleration which it had hitherto uniformly observed, the moment that the Governor General was apprized of the subject of the proposed thesis, he issued orders positively prohibiting the disputation upon that thesis; and copies of this declaration were circulated to all the principal stations under this Presidency and to the foreign Residencies, with a view to enable the officers and representatives of Government to counteract at those stations any eventual alarm of the nature of that which had been excited at the Presidency.

11. From this transaction may be inferred not only the effect which public discussions respecting the religions of the country are calculated to produce, but also the solicitude of that very administration to which Mr. Buchanan has specially appealed as encouraging the propagation of the Christian faith in India, to suppress discussions such as those which we have deemed it our duty to prohibit.

12. The composition of works directed to the object of converting the natives to Christianity, so naturally leads to discussions of that nature, that the evils resulting from the latter, must necessarily be hazarded by an unrestrained toleration of the former, and our decision upon this new question has been regulated not by any innovation or former established principles, but by those maxims of prudence and precaution which the condition of the British establishment in this country requires, and the neglect of which, would in our decided judgment, not only expose to hazard the stability of the British dominion in India, but would impede the accomplishment of the very object which animates the pious labours of the Society of Christian Missionaries in the work of conversion.

13. These consequences must be hazarded in a peculiar degree by a supposed connection between the efforts thus employed for the conversion of the natives, and the measures of the Government, which, on grounds already stated, have been rendered by the highest prescriptive authority, and by the uniform practice of the British Government in India, systematically distinct; and in our despatch to your honourable Committee, of the 2d ultimo, we have explained the circumstances which, in the present condition of the British power in India, more than at any former period, would tend to establish in the minds of the natives a belief of that conviction under the unlimited toleration of those proceedings on the part of the Missionaries which we have deemed it our duty to repress.

14. The expediency and necessity of protecting our native subjects in the undisturbed enjoyment of their religious opinions and usages, and of carefully withholding the influence of Government for the support of the endeavours of Missionaries to convert the natives to Christianity; in other words, the real principles of action and maxims of precaution which have regulated the proceedings of this Government with respect to the Missionaries and to the productions of their press, have been recognized and inculcated in the most forcible and explicit terms, in the following extracts from the letter of the honourable the Court of Directors to the Government of Fort St. George, dated the 29th of May, on the subject of the mutiny at Vellore.

"In the whole course of our administration of the Indian territories, it has been our "known and declared principle to maintain a *perfect* toleration of the various religious "systems which prevailed in it, to protect the followers of each in the *undisturbed* enjoy"ment of their respective *opinions* and usages, and neither to *interfere* with them our"selves, nor to *suffer them to be molested by others*."

"When we afforded our countenance and sanction to Missionaries who have from time "to time proceeded to India, for the purpose of propagating the Christian religion, it was "far from being in our contemplation to add the influence of our authority to any attempts "they might make, for on the contrary we were perfectly aware that the progress of real "conversion would be slow and gradual, arising more from a conviction of the principles "of our religion itself, and from the pious examples of its teachers, than from any undue "influence or from the exertions of authority, which are never to be resorted to in such cases.

15. Your honourable Committee will be satisfied, by the tenor of our present despatch, and of our despatch of the 2d ultimo, that these are precisely the principles which have regulated

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our late proceedings with regard to the Missionaries, and that Mr. Buchanan, in ascribing to us a disposition hostile to Christianity, has assumed a latitude of censure equally disrespectful in its nature and unwarranted by facts.

16. With respect to the injurious position stated in Mr. Buchanan's Memorial, that under the proceedings sanctioned by this Government, the tendency of publications directed to the object of converting the natives is submitted to the decision of a Mahomedan or a Hindoo, it is obvious to remark, that Government itself is competent to judge of it through the medium of translation; that the intervention of a native is not necessary to enable us to obtain information regarding the contents of any publication in the Persian, Arabic, Hindostanee or Bengalee languages; and that our late proceedings with regard to the works, of which translations were enclosed in our despatch to your honourable Committee of the 2d ultimo, was the result of our own judgment of the nature and tendency of those works.

17. The intimation contained in Mr. Buchanan's Memorial, that this Government has established a new and specific imprimatur with respect to works on theology, appears to us to require some observations relative to the nature and effect of the restrictions on the press, which since their original establishment have continued to operate without relaxation.

18. This intimation, although bearing reference to those publications of the press of Serampore, which we have judged it necessary to prohibit or restrain, appears to be principally founded on the requisition noticed at the commencement of Mr. Buchanan's Memorial, on the subject of submitting certain discourses on the prophecies, which Mr. Buchanan proposed to publish, to the inspection of Government previously to their publication; it is proper therefore to explain the circumstances of that transaction.

19. The superintendant of the Company's press having received from Mr. Buchanan the draft of an advertisement, which announced the intended publication of Mr. Buchanan's Sermons preached in the Presidency Church, on the Prophecies, deemed it his duty to obtain the sanction of Government to the publication of those sermons, and consequently to the insertion in the Government Gazette, of the advertisement announcing their intended publication, and accordingly communicated the draft of the proposed advertisement to Government through the channel of its officers. Upon this reference, the Chief Secretary was directed to request, that Mr. Buchanan would send the manuscript for the inspection of Government, previously to its publication, and under this order, the publication of the advertisement also was of course suspended. This transaction is considered by Mr. Buchanan to amount to a suppression of the Sermons on the Prophecies, because a condition was attached to the publication of them, which Mr. Buchanan erroneously supposed to be the revision of them by the officers of Government, a condition to which he could not conscientiously accede.

20. Mr. Buchanan however must be supposed to object to the revision of those discourses by the Government itself, as the condition of their publication, because the charge of establishing an imprimatur on works of theology, if it does not refer to the revision of the Government, is founded, as far as relates to the discourses in question, on an erroneous construction of the Chief Secretary's requisition, which expressly declared that the manuscript was to be submitted to the inspection of Government.

21. Not having had an opportunity of perusing those discourses, we can form no judgment of the propriety of their publication. The printing an exposition of the sacred prophecies would certainly, as such, have met with no opposition from us, nor would the prophecy, most disrespectfully and improperly stated by Mr. Buchanan as a particular object of alarm to us, viz. the final conversion of all mankind to the Christian faith, have rendered the publication in our judgment objectionable. At the same time, if in commenting on that prophecy, Mr. Buchanan should have been found to have introduced into his discources strictures on the religion of the Mahomedans and Hindoos, of the nature of those which in the form of works published for the perusal of the natives of this country, we had deemed it our duty to suppress, or to have enlarged on the topic of the immediate and general conversion of our subjects in the East to Christianity, we should probably have judged the promulgation of such remarks from the pulpit of the Presidency and the press of Government, to be unseasonable and inexpedient, in the present conjuncture of affairs.

22. Of this nature only are the restrictions which we desire to impose on the publication of theological works in this country. Those restrictions obviously form a part of that general controul which, in the actual state of our dominion in India, it is indispensably necessary to impose on the productions of the press, for the security of the public interests and the preservation of the public tranquillity in this important branch of the British empire; such restrictions have virtually existed during the whole period of the British supremacy in India; the occasion for the active exercise of them has only recently occurred.

23. Religious discussions, as being calculated in a peculiar degree to affect the public tranquillity, are the direct and proper objects of a general controul, which has been established over the productions of the press, for purposes of national interest and public security; and in India more than in all other countries, the controul of religious publications is indispensable for the public safety.

24. This necessity cannot be exemplified in terms more just or more forcible than in the following extract from a work published by Mr. Buchanan in England, and entitled, "A Memoir on the expediency of an Ecclesiastical Establishment in India."

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"The Mahomedans profess a religion which has ever been characterized by political "bigotry and intemperate zeal. In this country that religion still retains the character of "its bloody origin, particularly among the higher classes. Whenever the Mahomedan "feels his religion touched, he grasps his dagger. This spirit was seen in full operation "under Tippoo's government, and it is not now extinguished."

25. The practical effect of this sanguinary spirit of bigotry, as exemplified in the mutiny of Vellore, and in the events which succeeded it, can hardly escape observation; for although Mr. Buchanan, on the ground of his personal communication with some of the natives on the coast, is of opinion that the insurrection at Vellore had no connection with the Christian religion directly or indirectly, immediately or remotely, we are compelled to form a different judgment from the mass of authentic evidence and information on that unhappy event, recorded on the proceedings of Government; and we are satisfied that a persuasion (a most erroneous one indeed, but a firm and sincere persuasion) in the breasts of a great proportion of the Sepoys who were thus betrayed into the execution of the massacre of Vellore, and of those who subsequently manifested a spirit of insurrection, that a design existed on the part of the British Government to operate a general conversion of the inhabitants of India to Christianity, was one of the most efficient causes of that horrible disaster. Responsible therefore to our Sovereign, to our immediate superiors, and to our country, for the security and tranquillity of this empire, we should have neglected a primary obligation of our public duty, if at any period of time, but especially while such impressions were recent, we had permitted the circulation within the British territories, of works reviling the religions of our subjects, and distinctly declaring a desire to convert them to the Christian faith. Under the influence of the same sentiments and circumstances also, we cannot but question the prudence of publishing, with the sanction of the supreme British authority in India, the approaching and instant conversion of the inhabitants of this country to Christianity.

26. The imposition of a restraint, therefore, on the promulgation of writings of the above description, is but the application of a long authorized and existing controul over the conduct of the press, to the most important of the objects for which that controul was originally established; and consequently, as far as the public safety is concerned, works on theology, like works on other subjects, must be considered to be subject to a civil revision.

27. It is true, that no direct controul over the press of the Missionaries at Serampore, had been specifically declared to exist, or had ever been exercised by the British Government, because no abuse of that press had attracted notice. But under the peculiar circumstances of the settlement of Serampore, and of the press established in it, our right to controul the productions of the Missionary press cannot be disputed.

28. The population of Serampore cannot afford employment to a press in any degree sufficient to support the charges attending it. The only purposes connected with the concerns of the Danish Government, or of the inhabitants of Serampore, to which the press of the Missionaries was applied, were (as stated by the Governor of that settlement, in his letter of the 30th of September) the publishing of regulations and advertisements of public and private sales. All works printed at that press were necessarily intended for circulation in the British territories, and were so circulated, and the pamphlets which attracted our notice were sent to this Presidency and its vicinity, for distribution among our native subjects.

29. The Missionaries themselves are all British subjects; Mr. Carey, the chief member of the Society, holds the situation of Professor of the Shanscrit and Bengalee languages in the College of Fort William, and the leading members occasionally reside at this Presidency. The Danish Government permitted, and motives of convenience induced them to establish their press at Serampore. But the press is principally supported by the aid and encouragement afforded by the Asiatic Society and the College of Fort William. It is consequently to all intents and purposes a British press, and its productions must necessarily be considered by the community at large to issue under the patronage and sanction of the British Government. The same considerations therefore which require the exercise of an efficient controul over the presses established at this Presidency, are equally applicable to the press at Serampore. When its productions were found to be of a nature hazardous to the public tranquillity, it became the absolute duty of this Government to give effect to that controul; and adverting to the inconvenience, and in some degree the inefficiency, under which the controul of a press established in a foreign jurisdiction must be exercised, we deemed it advisable to simplify and facilitate the execution of that system, by requiring that a press, the productions of which were to circulate exclusively in the British territories, should be transferred to those territories, and be brought fairly and ostensibly within the scope of that observation which was entitled to controul it. We therefore desired the Missionaries to remove their press to Calcutta, apprising the Danish Governor at the same time, that we had deemed it necessary to signify that desire to the Missionaries, and stating to him the grounds of the measure.

30. The right of the British Government to exercise a controul over the press of Serampore, and for that purpose to require the transfer of it to the Presidency, was not contested by the Governor of Serampore, who far from resisting the demand for its removal, on the plea of the sovereignty of his nation, as erroneously asserted by Mr. Buchanan, merely solicited the revocation of that demand, on the ground of the distress to which the Missionaries would be exposed by our exacting a compliance with it; stating an additional inducement, in the convenience which the Government and inhabitants of Serampore experienced from the use of the press, in publishing regulations and advertisements of public and private sales.

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31. We at the same time received from the Missionaries the Memorial, of which a copy formed an enclosure in our despatch to your honourable Committee of the 2d ultimo, wherein the Missionaries represented the peculiar circumstances of their property at Serampore, and explained the very serious and distressing consequences to the individuals composing the Mission, as well as to the body itself, and to a considerable number of families connected with them as servants and dependants, which would result from the removal of the press from Serampore. Being satisfied of the truth of these representations, and nothing being further from our views and disposition than to effect in the smallest degree either the interests of the Missionary body, or the personal comfort and convenience of those worthy individuals, we withdrew without hesitation that part of the measure, and remained satisfied with the assurance of the Missionaries, that the works to be hereafter printed at Serampore, should be previously submitted to the revision and sanction of our Government.

32. The attention with which we listened to the representations of the Missionaries, concerning the distress which the removal of their press would occasion, was acknowledged by them in terms of fervent gratitude; and in reply to our letter communicating to the Governor of Serampore our compliance with the solicitation of the Missionaries, his Excellency expressed "his most grateful acknowledgments for the moderation we had so "generously manifested" on this occasion.

33. It will be evident, from the facts and observations which we have stated to your honourable Committee, that no innovation has taken place in the principles and practice of this Government relatively, to the controul of the productions of the press; that no new and specific imprimatur has been established for works on theology, but that the restrictions which virtually existed with regard to publications in general, were practically applied to theological works, only when works of that class, containing strictures on the religions of the country in terms the most irritating and offensive, by being circulated among our native subjects, exposed the public tranquillity to hazard.

34. Mr. Buchanan's indecent comments on our reply to the reference of the Governor of Serampore, relative to the translation of the Bible (which reply Mr. Buchanan has communicated to the Governor General, as a point of information, and as a subject of concern to his Lordship) merely suggest the expediency of remarking, that we should deem it our duty to oppose the publication of any strictures on the religions of the country, such as we have already suppressed, whether promulgated in the form of separate tracts, or of prefatory notes to a translation of the Holy Scriptures.

35. Our solicitude for the suppression of publications of that nature, combines with a vigilant attention to the public safety and tranquillity, a regard for the successful propagation of the truths of Christianity among the misguided natives of these distant countries, by the only means which can promote its success,—the operation of example in the conduct of its preachers and professors in the principles which it inculcates, and in the effects which it produces on the dignity of individual character, and on the general happiness and welfare of mankind; united also with the means of instruction, when instruction is desired; but unconnected with the language of irritation, with revilings against the religions of the country, and with prophetic denunciations of their immediate subversion.

36. We shall conclude this discussion by observing, that it has never been in the contemplation, either of the present or the preceding administration of this Government, to controul or impede the pious labours of the Missionaries, while conducted in the manner which prudence dictates, and which the orders of the honourable Court have distinctly prescribed. But when the mistaken zeal of the Missionaries exceeded those limits which considerations of public safety, and even a solicitude for the propogation of Christian knowledge among the misguided natives of these countries, have wisely imposed; when publications and public preachings, calculated not to conciliate and convince but to irritate the minds of the people, were brought to the notice of Government, the interposition of the ruling power became necessary to preclude the apprehended effects of these dangerous and unprofitable proceedings.

We have the honour to be, &c. &c.

Fort William,
7th December 1807.

(Signed) MINTO,
G. HEWETT,
G. H. BARLOW,
J. LUMSDEN.

(ENCLOSURES.)

To the Right honourable Lord Minto, &c. &c. &c.

My Lord,

I BEG leave respectfully to submit to your Lordship some particulars regarding the present state of the Christian Religion in Bengal, which I have thought it my duty to communicate for your Lordship's information at this time.

I trust your Lordship will do me the justice to believe that it is with the utmost reluctance I trouble your Lordship with a letter on such a subject so soon after your entrance on this Government, when as yet few, if any, of the circumstances noticed in it can have come to your Lordship's knowledge.

I have

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I have no other view in soliciting your Lordship's attention to them, but the advancement of learning and religion. Perhaps no one has addressed your Lordship on the subject since your arrival, and there are certainly many particulars regarding their present state, which it is of importance your Lordship should know.

Being about to leave India, I feared lest I should hereafter reproach myself, if I withheld any thing at this time which I conceived might be useful, particularly as I have been further encouraged to address your Lordship, by your Lordship's known condescension in receiving any communications which are honestly intended.

I have the honour to be, my Lord,
With much respect, your most obedient humble servant,
(Signed) *C. Buchanan.*

Calcutta,
9th November 1807.

To the Right honourable G. Lord Minto, Governor General, &c. &c. &c.

My Lord,

1. I HAD the honour to receive a letter from the Chief Secretary to the Government, under date the 11th September, desiring that I would submit, for the inspection of Government, the manuscript of some Sermons on the Prophecies, which I intended to publish. I shall willingly submit these discourses to your Lordship's perusal, and shall be happy to receive such observations on them as your Lordship's learning and candour may suggest; but I cannot submit them to the judgment of the officers of the Government. My reasons for declining to comply with the wishes of Government in this respect, it is incumbent on me to state; and I feel confident your Lordship will consider them to be satisfactory.

2. It will not have escaped your Lordship's observation, even in the short period since your arrival, that some of the officers of your Lordship's Government do not manifest any zeal for promoting the knowledge of the Christian Religion in India: they consider that a zeal in this respect would not be consonant to a wise and prudent policy. I am willing to believe that they advise according to the best of their judgment; but a principle pure and just in itself, if it be not tenderly exercised in reference to their important obligations, may become extravagant or pernicious. For instance, not to promote Christianity may, in certain circumstances, be prudent; but to repress Christianity will not, I think, in any case, be defended. It is not necessary to observe to your Lordship how much the minds of Europeans assimilate to the native character after a long residence in this country, and how difficult it is for men, even of good sense and honest intentions, while involved in the mist of this prejudice, to view the Christian Religion.

3. During the administration of the Marquis Wellesley, the spirit of promoting learning and religion in India, was general and ardent; but after the departure of that nobleman, a great revolution took place. A spirit directly adverse to the diffusion of religion in India, most unexpectedly broke forth, just as if it had been confined by his presence. This spirit appeared long before the insurrection in Vellore. I mention this, lest your Lordship should suppose that it originated with that event; for I understand that the "Massacre at Vellore" has been unaccountably adduced as some sanction to the principle of opposing the progress of the Christian Religion in Bengal. I had opportunities of judging of the causes of that event, which were peculiar. I was in the vicinity of the place at the time; I travelled for two months immediately afterwards in the province adjacent, with the sanction of Government; and I heard the evidence of Christians, Mahometans, and Hindoos, on the subject. That the insurrection at Vellore had no connection with the Christian religion, directly or indirectly, immediately or remotely, is a truth which is capable of demonstration.

4. The spirit so hostile to the progress of Christianity in India, appeared first in operation about two years ago, and has been acquiring strength ever since. It has exhibited itself in a series of acts, the recital of which will sufficiently illustrate to your Lordship the temper of mind which produced them. These acts are, however, not to be considered as the official and acknowledged measures of the respectable persons who preceded your Lordship in the Government. Sir George Barlow has often expressed his approbation of the means used for the diffusion of Christianity in India, and he sincerely desires its success. These measures have not been generally considered as the offspring of his unbiassed judgment. Besides, most of them are extra official, and with some of them he is perhaps yet unacquainted. They will probably appear to your Lordship to have been dictated by a timorous policy, proceeding from minds somewhat agitated by the responsibility of a weighty empire, viewing at the same time Christianity as an innovation in India, and magnifying that innovation, perhaps, into a revolution. The acts which have plainly manifested this alarm are many. It will suffice to notice to your Lordship the four following:

5. First. The withdrawing the patronage of Government from the translation of the Holy Scriptures into the Oriental tongues.

The translation of the Scriptures had commenced in the College of Fort William, at the expense of Government. When the honourable the Court of Directors directed a reduction of the expenses of that institution, it was resolved to make provision for the continuation of the translation of the Scriptures by public subscription, and to exonerate the Government entirely. It was accordingly proposed that a Committee of the College and of others should superintend the translations, and controul the expenditure. This measure had been recommended by certain of the bishops and by some noble persons in England, who wished to aid us in the translation of the Scriptures, and the countenance

nance of the college, was merely desired, with the view that the important work might be conducted strictly in the principles of the national church, and not fall entirely into the hands of dissenters, as it has since done. Your Lordship will be surprised to hear that this proposition was rejected. Government withdrew its patronage from the work entirely, and even refused to give its countenance to the subscription. The immediate consequence of this unexpected blow, was the loss of ample funds; for there appeared at the time, throughout all India, a disposition to encourage a literary undertaking which was deemed so honourable to the nation.

Considering the difficulty of obtaining fit instruments for the conduct of such a work, the religious and moral importance of the work itself, and its advantages to the general interests of oriental literature, your Lordship will believe, that this forfeiture of public encouragement, under such auspicious circumstances, has ever been viewed with regret by the friends of learning and of religion in Europe and in India.

This disappointment, however, has had one favourable result; it accelerated the establishment of "the Christian Institution in the East," which carries the translation of the Scriptures, in some of the languages, into regions far beyond the controul of the Bengal Government.

6. Second. Attempting to suppress the translation of the Scriptures.

An attempt was next made to suppress the translation of the Scriptures entirely, and this attempt had almost succeeded.

To suppress the translation of the Scriptures, is to suppress the Scriptures. I can make no further observation on this, in addressing your Lordship.

7. Third. Suppressing the encomium of the honourable the Court of Directors, on their venerable Missionary the Reverend Mr. Swartz.

The honourable Court had sent out to Fort St. George a marble monument to be erected in the church of St. Mary, to the memory of Mr. Swartz, inscribed with a suitable epitaph, and they announced it, in their general letter dated 29th October 1806, as a testimony of the deep sense they entertained of his transcendant merit, of his unwearied labours in the cause of religion and piety, and of his public services at Tanjore, where the influence of his name and character was for a long course of years productive of important benefits to the Company. The honourable Court further adds: "On no sub-"ject has the Court of Directors been more unanimous, than in their anxious desire to "perpetuate the memory of this eminent person, and to excite in others an emulation "of his great example." They direct finally, that "translations shall be made of the "epitaph into the country languages, and published at Madras, and that the native in-"habitants shall be encouraged to view the monument."

The Christians in Bengal were of course rejoiced to hear of the honourable testimony to the apostolic Swartz, and they expected that it would be acknowledged here, as at Fort St. George and Bombay; but they were disappointed; there was no recognition of the venerable Missionary in Bengal. The epitaph was not inserted in the Calcutta Gazette, nor was the slightest notice taken of the circumstance and lest it might be supposed; that it was omitted by accident, the official notice of the Governor in council at Fort St. George, which appeared subsequently relative to the day of commemoration, was also suppressed.

But what followed was yet more painful. Your Lordship will judge of the feelings of the Christians in this place, when they read in the Government Gazette of the week following, an article whose obvious tendency was to bring the labours and character of the Christian Missionary into contempt.* Thus while the honourable the East India Company were adorning the sepulchres of their Missionaries, and embalming their memory in the South, their own servants were treating the character with indignity in the North. We were at first alarmed, lest this might be the signal for the other papers to commence an attack on the humble and defenceless Missionaries; but we were happy to find, that not one of the seven papers of this Presidency followed the example of the official Gazette.

As it is not probable that any of the particulars above-mentioned, have as yet come to your Lordship's knowledge, I beg leave to refer your Lordship to the enclosed printed paper (A.) published by the authority of the Government of Fort St. George.

8. Fourth. Restraining the Protestant Missionaries in Bengal, from the exercise of their functions, and establishing an imprimation for theological works.

Men's minds were prepared, by the preceding circumstances, to expect little indulgence to Missionaries, but they were certainly not prepared to expect the event which followed.

The success of the protestant mission in Bengal, had long been a source of uneasiness to those officers of Government who do not think it right to convert the natives. Some of the native Moonshees attached to the public officers, well knowing, from long acquaintance, their masters sentiments on this subject, have not failed from time to time to urge them to countenance their petitions, and to lend their voice in accusing the Missionaries. Some clamour of this kind was raised at two different times within the last seven years; but it passed away without offence to the Christian religion. The complaint of the Moonshees against the Missionaries, on the present occasion, is not, I understand, so obvious as the former;

* The Mission to Greenland and Labrador, whose civilizing efficiency on the rude inhabitants of those regions, has long been a theme of admiration to the Christian world, is held forth in that paper to public ridicule; and the simple narrative of the pious well-meaning Missionaries, is declared to "exhibit a "degree of canting fanaticism well worthy of the followers of Cromwell."—Calcutta Gazette, 17th September 1807.

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mer; they complain that the Missionaries have, in a certain paper, "applied abusive "epithets to Mahomet." The Missionaries certainly mistake the proper method of convincing the minds of men, if they use epithets of abuse; the successful method of preaching is by argument and affectionate address; and I presume this has been their general method during the fourteen years of their mission, else we cannot suppose their labours would have been followed with so much success.

At the same time Christian teachers are not to speak with reverence or courtesy of Juggernaut or Mahomet; they must speak as the Scriptures speak, that is, of false gods as false gods, and of a lying prophet as a lying prophet. The Mahometans apply abusive epithets and vulgar curses to the idolatry of the Hindoos and to the faith of Christians; and these epithets are contained in books, and Government might, on the same principle, have been assailed with the petitions of Christians and Hindoos against the Mahometans. If the natives choose to go to hear the preaching, or to read the books of the Missionaries, it is their pleasure to do so—it is no concern of Government. These poor Missionaries are not official characters; they have no power, no authority, no riches; and this the natives well know. They are like the first apostles, contemned and despised by all casts; and if they are bereaved of the countenance of their own Government, they are bereaved indeed

The complaint, however, of the Mahometans has produced a very serious event. The protestant Missionaries in Bengal were prohibited, by order of government dated 8th September last, from preaching to the natives.

The Protestant Mission being situated at Serampore, a town belonging to the King of Denmark, the English Government requested the Danish Governor to give up the Mission press, and ordered the Missionaries to remove to Calcutta. The Danish Governor resisted this demand, on the plea of the sovereignty of his nation; and the English Government revoked their requisition. The English Government then issued an order prohibiting the Missionaries from printing any books, "directed to the object of converting the natives to "Christianity." On this, a question was proposed officially to the British Government by the Danish Governor, a question which your Lordship will be concerned to think should ever have been necessary. It was this: "Whether, among the books prohibited by the "British Government, the Bible in the Bengalee language was included?" The answer to this question your Lordship will read with yet more concern. It was the following: "We "are not aware of any objection to the promulgation of the Scriptures in the Bengalee "language, unaccompanied by any comments on the religions of the country:" that is, the English Government were not "aware that there was any objection to the publication of "the Bible, yet they were not certain." At all events, it must have "no comment on the "religions of the country:" that is, it must not be said of the Bible—"this is the word of "the true God, and more worthy of belief than the Veda of Brahma:" nor must any illustration of its truth be noticed by reference to the Hindoo doctrines, for instance, by appealing to their own ideas of a Trinity, of an atonement, and of the "man twice born."

After some consideration, the English Government qualified, (but did not revoke,) their prohibition respecting works "directed to the object of converting the natives," and informed the Missionaries officially that, "whatever they printed for the future, must be submitted "to the inspection of the officers of Government:" and here the matter ended. An official imprimatur is established for the theological works of the protestant Missionaries; and preaching to the natives beyond the limits of the Danish town, is entirely prohibited: and this, of course, amounts to nearly a total suppression of the mission.

The chief inconvenience of the imprimatur imposed is, not that religious books shall be submitted to the officers of Government, but that they must be submitted to the "native" officers of Government. If, indeed, the Christian officers of Government understood the Bengalee, Arabic, Orissa, Mahratta, and Chinese languages, then might the Missionaries expect that Christians would revise their works; but a Hindoo must revise the Bengalee, and a Mahometan the Arabic. Those very Mahometans who impeached the Missionaries in the first instance, will necessarily be employed next to revise their theology. Was it ever heard that a Hindoo or a Mahometan gave a candid judgment of a Christian book? They will, of course, obliterate all passages which offend their own superstitions, and particularly those quotations from Scripture which speak of lying prophets, or the sin of idolatry.

I now beg leave to request your Lordship's attention to the plea on which these proceedings against the Protestant Missionaries have been grounded. It is this; "that the public "faith has been pledged to leave the natives in the undisturbed exercise of their religions." This is a proper pledge of our legislature. It is proper not to disturb the natives in the exercise of their religion; nor has this pledge ever been broken, directly or indirectly. It is proper not to interfere with, or by violence to prevent, the superstition of the natives, if not criminal in itself, or affecting the public peace. But if, by the expression "not dis- "turbing the natives in the exercise of their religion," be meant that "we are not to use "means for diffusing the knowledge of Christianity among them," then it is to be observed that this pledge has been violated by every Government in India, and has been systematically broken by the honourable the East India Company from the year 1698 to the present time. The fact is, they have pledged themselves to a conduct just the reverse. The East India Company hold this country by a Charter, which expressly stipulates that they shall use means to instruct the Gentoos, &c. in the Christian religion. William 3d, September 1698. And this stipulation is in perfect accordance with their pledge of not disturbing the natives in the exercise of their superstitions by force, inasmuch as it is a very different thing to apply arguments to the mind and to inflict wounds on the body. It is their duty to civilize

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their barbarous subjects, and to teach them humanity, and for that purpose, to address their understandings and their affections. At the same time it is their duty not to disturb the exercise of their superstition by compulsory acts; and the legislature has stipulated for the performance of both duties; and the first duty is as positive as the second. They first stipulate to do good, and they next stipulate not to do evil; and in consequence of this stipulation, the honourable Company have constantly aided the Christian missions in India, and at this time, they devote a considerable sum annually to their support. The Protestant Mission in Bengal commenced in 1758. The honourable Company's ships brought out the annual supplies for this Mission, and before the year 1770, religious tracts were translated into the Bengalee language; and Hindoo Christians preached to their countrymen, in the time of Hastings, in the town of Calcutta. This Mission continued its labours till about the year 1790, when the supply of Missionaries from Europe failed. It was succeeded by the present Mission at Serampore in 1793.

The Calcutta Mission was of extensive use in disseminating Christian principles through northern India. They sent Arabic New Testaments to the court of Shah Allum, the Mahometan King of Hindostan, then resident at Allahabad. The priests of his Majesty returned their thanks to the Missionaries, and requested that "the supply might be continued." It was continued for a time, and an investment of Arabic bibles is soon expected, under the sanction of the honourable Company, for a similar purpose. Little of the influence of Christianity in India has come, as yet, to the knowledge of the public. Englishmen in general know as little of the state of Christianity in India, as of the state of Hinduism. Two Christian Missions were at the same period tolerated by Shah Allum, one of which had existed since the time of Akbar the Great, and both of which exist unto this day.

At Seringapatam, under Hyder Sultaun, the Mahometan Prince of Mysore, the most complete toleration was permitted. In the Appendix to the enclosed Pamphlet, your Lordship will see with what ardour the preaching of Swartz was received at Seringapatam, and how the noble Mahometans and Hindoos desired to learn from him what was the "right prayer." Romish Missions were tolerated by Hyder, at the same time. Tippo Sultaun was more intolerant than his father. He was at times a persecutor, yet he did not quench Christianity; and Missions now flourish in various parts of the Mysore country.

After these authorities, we certainly shall not refer to the Mahometan Moonshees in Calcutta, for their opinion on the general relations of religious toleration in India.

I do not know whether your Lordship has been informed, that there are two Roman Catholic Misssions in Bengal and the provinces adjacent. They have existed for a long period of time, and have been tolerated by the Mahometan, Hindoo, Seik, Nepaul, and Tibet Governments. They have preached and published what they pleased, without any official restriction that we have ever heard of, and they now continue to follow their functions under the protection of the English Government, while the Protestant Missionaries are restrained and their theology is subjected to an official licence.

The proceedings against the Protestant Mission will naturally be supposed at home to have been called forth by some public commotion in Bengal, or by the bad moral character of the Missionaries. As to the first, they will be happy to hear, that we are now, and long have been, in a state of almost torpid tranquillity; and as to the character of the Missionaries, the Government has acknowledged them to be men of quiet demeanour, of pious intentions, and as deserving countenance and respect for their literary labours.

It has been the usual conduct of Asiatic Governments to let Christianity alone. In the annals of the British administration in India, has there been no instance of the suppression of a Christian Mission? Our empire here subsists by the discrepancy of religious opinion. It is not good policy to strengthen the Hindoo religion, or to strengthen the Mahomedan religion; but it is good policy to strengthen the Christian religion, because it is as yet the weakest. It is certainly our duty not to oppose it, for if this counsel "be of God, we "cannot resist it." And it would now be as easy to oppose the rushing of the Bore into the river Ganges, as to oppose the entrance of Christianity into the province of Bengal.

9. After the perusal of the foregoing pages, your Lordship will be prepared to understand the cause of the late alarm regarding the Prophecies; not a public alarm indeed, but the alarm of some of the officers of your Lordship's Government.

Having had occasion lately to preach a series of discourses on the Christian Prophecies in the Presidency Church, some of the congregation expressed a wish that I would permit them to be printed, observing, that they had before made a similar request without effect; but as I was now about to return to Europe, they hoped I would bequeath to them these few discourses.

When it was understood by the officers of Government, that the Sermons on the Prophecies were to be published, they were alarmed—your Lordship will scarcely divine the cause—it was this:—It seems these Prophecies declare, "that all nations shall "be converted to the religion of Christ." But if this be true, it was argued, what bad news to the Mahomedans and the Hindoos. In short, the advertisement announcing the intended publication of the Prophecies, which was sent to the Government Gazette, was suppressed; the advertisement itself was delivered in with trepidation to Government, and an order was immediately issued to the printers of the other papers, forbidding them to publish the alarming notice. In consequence of this order, it has been publicly understood that the Christian Prophecies are suppressed by authority.

I now beg leave to submit it to your Lordship's judgment, whether, in the view of the temper of mind displayed above, it would be proper in me to subject my compositions to the opinion and revision of the officers of your Lordship's government. Might there not be some danger

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danger in committing the Christian Prophecies to be altered and new modelled by men who favour the disciples of Mahomet and Brahma. I incline not to commit them to the hands of those officers, from another consideration; it would be a bad precedent. I would not that it should be thought, that any where in the British dominions, there exists any thing like a civil inquisition into matters purely religious.

It is now nearly two months since I received the letter from Government on this matter, and I have not yet communicated my intentions. I now beg leave to inform your Lordship, that I do not wish to give Government any unnecessary offence. I shall not publish the Prophecies.

At the same time I beg leave most respectfully to assure your Lordship, that I am not in any way disappointed by the interference of Government on this occasion. The supposed suppression of the Christian Prophecies has produced the consequence that might be expected. The public curiosity has been greatly excited to see these Prophecies: and to draw the attention of men to the Divine predictions, could be the only object I had in view in noticing them in the course of my public ministry. Another consequence will probably be, the Prophecies will be translated into the languages of the East, and thus pave the way, as has sometimes happened, for their own fulfilment.

10. Your Lordship will be enabled better to understand the real nature of this alarm regarding the Prophecies, when you are informed of the alarm which was excited about half a year before your Lordship's arrival, by the ancient "Christian Tablets."

In consequence of the enquiries, sanctioned by the Marquis Wellesley, into the history and literature of the Syrian Christians of Travancore, some ancient manuscripts were announced, and also certain "Brass Tablets" of great antiquity, containing the privileges of these ancient Christians, asserting their rights of nobility, and declaring withal that they had a King. Your Lordship can hardly conceive the apprehensions which were excited by this discovery, in the minds of those who have been lately alarmed by the Prophecies. Even at the first, it was accounted an ominous mission to go "to rake up the ashes of Christianity" in the very midst of the Hindoos: But when it was announced that there were "glowing embers," nothing less seemed to be expected than that all Hindostan would shortly be "in a flame." For if it was true that Christianity once flourished in Hindostan, it followed that it might flourish again. It was devoutly wished "that these Christian Tablets might sink to the bottom of the sea," and even the curiosity of the Hindoo antiquaries was quenched in this horror of Christianity.

That your Lordship may be assured that this alarm was real and not fictitious, it is only necessary to add, that when the article of literary intelligence published in the Bombay Gazette, containing the account of these ancient Christians, and of these "brass plates," (which account was certainly interesting to the Christian world in general, and to men of letters in particular) arrived at Calcutta, it was suppressed by authority as something dangerous to the State, and the Bishop of Llandaff's Letter on the Civilization of India had nearly shared the same fate.

11. It appearing, from the recent events above noticed, that the diffusion of Christianity in Bengal is plainly obnoxious to some of the officers of government, serious apprehensions are now entertained, that the attempt to suppress the translation of the Scriptures will be renewed: I cannot believe that the attempt will be made during your Lordship's Administration. If however any sinister event should afford a pretext for reviving it, I humbly request that the Chinese translation of the Scriptures may be spared; suffer me, my Lord, to intercede for the Chinese. There are three English youths, who have been for two years past under the tuition of the Chinese professor and his two Chinese assistants, and they have now acquired a very considerable proficiency in the Chinese language; and it is my intention to call them to England for public purposes, in three years hence, if their studies be not interrupted. This class has been organized and maintained at a great expense. It is the only regular Chinese class in the world, out of the limits of the Chinese empire, and it will probably be the source of the first regular instruction in the Chinese language in Great Britain.

12. If your Lordship should judge it expedient to investigate any of the facts contained in this Letter, I shall be happy to afford any further evidence or explanation that may be required, before I leave India.

I have the honour to be,
My Lord,
With the highest respect, your Lordship's
Most obedient and humble servant,
(Signed) *C. Buchanan.*

Calcutta,
7th Nov. 1807.

Extract of LETTER from the Court of Directors to the Governor General in Council at Fort William in Bengal, dated 7th Sept. 1808. No. 8. Letter from Court of Directors, 7 Sept. 1808, on the subject of Missionaries.

Para. 12. SINCE the preceding paragraphs were written, your letter of the 7th December 1807, to the Secret Committee, has been received, with copies of the Letter and Memorial addressed to the Governor General by the Reverend Dr. Claudius Buchanan.

13. We desire to express our entire satisfaction at the explanation which you have thought it necessary to give to your proceedings; and as most of the observations which would naturally have occurred to us on the perusal of those documents, have already been stated in this letter, we deem it unnecessary to enlarge further on the subject.

14. With every disposition to make due allowance in favour of ardent zeal in the cause of religion, it would have been impossible for us to avoid noticing the improper style of Dr. Buchanan's Address to the supreme Authority in India, if his subsequent departure from thence had not in some degree relieved us from that necessity. We shall content ourselves at present, with remarking that Dr. Buchanan, as well as all other Ecclesiastics who promulgate the doctrines of Christianity in India, and who bestow such just and merited encomiums on the conduct of the Missionary Schwartz, would do well to adopt it as the model of their own, and would always recollect that discretion and moderation in their language and actions, are most consistent with the mild spirit of our religion, and are indispensably requisite for those who are employed in prosecuting the laborious work of Conversion.

No. 9.

Copy of a PROCLAMATION of Lord William Bentinck as Governor of Madras; dated the 3d of December 1806.

Extract Fort St. George Secret Consultations, 2d December 1806.

PROCLAMATION.

THE RIGHT HONOURABLE THE GOVERNOR IN COUNCIL, having observed, that in some late instances an extraordinary degree of agitation has prevailed among several corps of the Native Army of this coast, it has been his Lordship's particular endeavour to ascertain the motives which may have led to conduct so different from that which formerly distinguished the Native Army. From this enquiry it has appeared, that many persons, of evil intentions, have endeavoured, for malicious purposes, to impress upon the Native Troops, a belief that it is the wish of the British Government to convert them by forcible means to Christianity; and his Lordship in Council has observed with concern, that such malicious reports have been believed by many of the Native Troops:—

THE RIGHT HONOURABLE THE GOVERNOR IN COUNCIL, therefore, deems it proper, in this public manner to repeat to the Native Troops, his assurance, that the same respect which has been invariably shown by the British Government for their religion and for their customs, will be always continued; and that no interruption will be given to any native, whether Hindoo or Mussulman, in the practice of his religious ceremonies.

HIS LORDSHIP in Council desires that the Native Troops will not give belief to the idle rumours which are circulated by enemies of their happiness, who endeavour with the basest designs to weaken the confidence of the troops in the British Government. His Lordship in Council desires that the native troops will remember the constant attention and humanity which have been shown by the British Government in providing for their comfort, by augmenting the pay of the native officers and sepoys, by allowing liberal pensions to those who have done their duty faithfully, by making ample provision for the families of those who may have died in battle, and by receiving their children into the service of the honourable Company, to be treated with the same care and bounty as their fathers had experienced.

THE RIGHT HONOURABLE the GOVERNOR in COUNCIL trusts, That the native troops remembering those circumstances, will be sensible of the happiness of their situation, which is greater than what the troops of any other part of the world enjoy; and that they will continue to observe the same good conduct for which they were distinguished in the days of General Lawrence, of Sir Eyre Coote, and of other renowned heroes.

THE native troops must at the same time be sensible, that if they should fail in the duties of their allegiance, and should show themselves disobedient to their officers, their conduct will not fail to receive merited punishment, as the British Government is not less prepared to punish the guilty, than to protect and distinguish those who are deserving of its favour.

IT IS DIRECTED, That this paper be translated with care into the Tamul, Telinga, and Hindostany languages; and that copies of it be circulated to each native battalion; of which the European officers are enjoined and ordered to be careful in making it known to every native officer and sepoy under his command.

IT IS ALSO DIRECTED, That copies of the paper be circulated to all the magistrates and collectors under this Government, for the purpose of being fully understood in all parts of the country.

Dated in Fort St. George, the 3d December 1806.

PUBLISHED, by ORDER of the RIGHT HONOURABLE the GOVERNOR in COUNCIL,

(Signed) *G. Buchan*,
Chief Secretary to Government.

— No. 10. —

Copies of all REGULATIONS AND ORDERS, issued, and now in force, under the *Bengal* Government; respecting the WEAVERS; as well in regard to their connection with the provision of the Company's Investment, as in respect to their employment by Individuals.

A.D. 1793. REGULATION XVII.

A REGULATION for re-enacting, with alterations and amendments, the Regulations passed by the Governor General in Council, on the 20th July 1792, for empowering Landholders and Farmers of Land to distrain and sell the personal Property of under Farmers, Ryots and Dependant Talookdars, and (in certain specified cases) their Sureties, for Arrears of Rent or Revenue; and for preventing Landholders and Farmers of Land, confining or inflicting corporal punishment on their under Farmers, Ryots and Dependant Talookdars, or their Sureties, to enforce payment of arrears.—PASSED by the Governor General in Council, on the 1st May 1793, corresponding with the 21st Bysaak 1200 Bengal Era; the 6th Bysaak 1200 Fussily; the 21st Bysaak 1200 Willaity; the 6th Bysaak 1850 Sumbut; and the 19th Ramzaan 1207 Higeree.

FROM the Regulations not defining the nature and extent of the coercion which landholders and farmers of land might legally exercise over their under farmers, ryots, and dependant talookdars, to enforce payment of arrears of rent or revenue, many landholders and farmers, availing themselves of the sanction of former usage, had recourse to the most oppressive means for realizing arrears, and frequently employed the same severities for the purposes of extortion; whilst others, doubtful what measures they were empowered to adopt to enforce payment from defaulters, and apprehensive of subjecting themselves to prosecution for oppression, refrained from all compulsion, and were often defrauded of arrears to which they were justly entitled. These defects in the Regulations tending to screen oppression and dishonesty on the one hand, and to discourage moderation and good faith on the other; and it being as essential to the prosperity of the country and the punctual collection of the public revenue, that landholders and farmers of land should have the means of compelling payment from defaulters without being obliged to have recourse to the Courts of Justice, and incurring the delay and expense necessarily attending a law process for the recovery of every arrear, as that under farmers, ryots, and dependant talookdars, should be protected from oppression and unjust demands; the Governor General in Council, with a view to the attainment of these important objects, passed certain Regulations on the 20th July 1792: THE RULES and ORDERS contained in those Regulations are hereby re-enacted, with alterations and amendments.

What person, may distrain. Whose and what property is liable to distraint and sale.

II. Zemindars, independent talookdars, and other actual proprietors of land, and farmers of land who hold their farms immediately of Government, are empowered to distrain without sending notice to any court of justice or any public officer (excepting the after notice directed to be given in the cases of defaulters employed in the provision of the Company's Investment or the manufacture of salt, as specified in Section XXXI,) the crops and products of the earth of every description, the grain, cattle, and all other personal property whether found in the house or on the premises of the defaulter, or in the house or on the premises of any other person within or without the limits of the estate or farm of the distrainer, belonging to their under renters and ryots and the talookdars paying revenue through them, for arrears of rent or revenue, and to cause the said property to be sold for the discharge of such arrears. The same powers are likewise vested in dependant talookdars for the recovery of arrears of rent from their under farmer and ryots, and also in under farmers who farm lands from zemindars, independent talookdars, or other actual proprietors of land, or dependant talookdars, or farmers of land who hold their farms immediately of Government, to enable such under farmers to enforce payment of arrears of rent or revenue from their ryots, under farmers, or dependant talookdars. The several descriptions of landholders and farmers of land above specified, are to exercise the powers hereby vested in them under the following rules and restrictions.

What property is not liable to distraint and sale.

III. Persons vested with the power of distraint shall not distrain or sell the lands, houses or other real property of their under farmers and ryots, or the talookdars paying revenue through them; nor goods or advances belonging to the Company in the hands of any

No. 10. Regulations and Orders, of the Bengal Government, respecting the Weavers.

Reg. XVII. 1793.

weaver, manufacturer, or other persons employed in the provision of their Investment; nor the loom, thread, unwrought silk or materials of manufacture of any weaver or manufacturer; nor the tools of any tradesman or labourer standing towards them in the relation of under farmer, ryot, or dependant talookdar. All such distraints and sales are declared illegal and void. The defaulter shall stand acquitted of the arrear for which the distress may be levied, and the property shall be restored to him, or the distrainer shall be compelled to make good to him the value of it, if it shall be personal property, and shall have been destroyed, damaged or injured, or shall not be forthcoming, and the distrainer shall be further obliged to pay to him damages adequate to the loss which he may prove to have sustained in consequence of such attachment or sale, with all costs of suit.

Distraint and sale of it illegal and void.

Penalty.

What property is not to be distrained, if other sufficient property can be attached.

IV. The ploughs and implements of husbandry, the cattle actually trained to the plough, and the seed grain of under farmers, ryots and dependant talookdars, shall not be distrained for arrears, provided the defaulter shall possess, and the distrainer shall have it in his power to attach, other cattle, grain, or property, sufficient for the discharge of the arrear. Distrainers are enjoined to attend strictly to this rule, and every deviation from it shall be punished by an award to the party aggrieved of damages adequate to the injury he may have sustained, with all costs of suit.

Penalty.

When under farmers, &c. are to be considered to have defaulted.

V. Under farmers, ryots, and dependant talookdars, shall not be considered to have defaulted until the arrears have been ineffectually demanded from them and also from their surety, if they shall have given security, and the surety shall be forthcoming; and when, as the last resourse, an attachment shall be issued against the property of a defaulter, the responsibility of the surety shall not be thereby in any degree diminished.

Sureties not exonerated by the distraint of the property of Defaulters.

Penalty for attaching property if no arrear be due.

VI. If any person vested with the power of distraint shall attach, or cause to be sold the property of any under farmer, ryot or dependant talookdar, for arrears of rent or revenue, and it shall appear upon trial that no arrear was due, the distrainer shall be compelled to restore the property to the owner, or to make good to him the value of it, if it shall have been sold, damaged, injured or destroyed, or shall not be forthcoming, and to pay to him as damages a sum adequate to the value of such property, and all costs of suit.

Attachment not to take place if the defaulter shall tender the arrears upon demand.

VII. If the defaulter shall tender the arrears demanded of him in the presence of two creditable witnesses to the person deputed to attach his property, such person shall receive the arrears, and shall not proceed to the attachment.

Distrainers to furnish the person they may depute to distrain, with a Writing specifying the amount of the arrear and the date on which it became due.

Copy of the writing with list of the property distrained, name of the place where it is lodged and notice that it will be sold indorsed thereon, to be delivered to the defaulter, or left at his place of residence in case of his absence.

Penalty.

VIII. Distrainers shall deliver to the person whom they may depute to attach the property of a defaulter, a writing under their seal and signature specifying the amount of the arrear for which the attachment may be issued, and the date on which such arrear became due. The person so deputed shall produce this writing as his authority for making the attachment, and on the day on which he may attach the property, shall deliver a copy of it to the stated defaulter, endorsing thereon a list or inventory of the property attached, and the name of the place where it may be lodged or kept, with a notice that it will be sold on the fifteenth day commencing from the day following the day on which the attachment took place, or, if the property attached shall consist of crops or other ungathered products of the earth, within fifteen days calculating from the day following the day on which such crops or products may be stored, as directed in Section XIII.; unless the arrear and expenses of the attachment shall be previously discharged, or he shall contest the demand, and procure the attachment to be withdrawn in the manner hereafter specified. If the defaulter shall be absent, a copy of the above writing with the prescribed endorsement shall be fixed up or left at his usual place of residence before the expiration of the third day, calculating from the day of the attachment. If any person vested with the power of distraint shall cause any property to be attached, without furnishing the agent whom they may employ for that purpose with the writing above directed, or if such agent shall be furnished with the writing prescribed, and shall omit to deliver a copy of it with the required endorsement to the defaulter, or, in the event of his absence, to leave such copy at his usual place of residence within the period limited, the distrainer shall not be entitled to recover the arrear for which the distress may have been levied, and he shall be compelled to restore the property to the defaulter, or the value of it, if it shall have been sold, damaged, injured or destroyed, or shall not be forthcoming, and to pay all costs of suit.

Under farmers, &c. who have not given security for their rent or revenue, and who may contest the arrear, how to procure the attachment of their property to be withdrawn.

To execute a bond with security to try the demand in the Dewanny Adawlut of the Zillah, in fifteen days.

IX. If an attachment for arrears shall have been issued against the property of any under farmer, ryot, or dependant talookdar, who may not have given security to the distrainer for the payment of his rent or revenue, and such under farmer, ryot, or dependant talookdar, shall dispute the justness of the demand, and within five days commencing from the day following the day of the attachment, or if the property attached shall consist of crops or other ungathered products of the earth, within five days calculating from the day following the day on which such crops or products may be stored as directed in Section XIII, shall enter into a bond before the judge of the zillah, the cauzy of the pergunnah, or the distrainer, with good security, binding himself to institute a suit in the dewanny adawlut of the zillah within fifteen days from the date of such bond for the trial of the demand, and to pay whatever sum may be adjudged to be due from him, with interest upon it at the rate of twelve per cent. per annum, to be calculated from the date on which the arrear that may be awarded became payable to the date of the decree, with all costs of suit, the distrainer shall immediately withdraw the attachment and restore the property to the defaulter. If the stated defaulter shall fail to execute the bond within the

Attachment to be withdrawn upon the execution of the bond.

the period prescribed, the distrainer shall be at liberty to keep the property under attachment, and to cause it to be sold in the manner directed in Section XXII, unless the arrear with the expenses of the attachment shall be discharged previous to the day of sale. If the defaulter shall execute the bond, but omit to institute the suit in the dewanny adawlut by the time prescribed, the distrainer shall demand payment of the arrear from the surety, and in the event of his not discharging the amount immediately, the distrainer shall be at liberty to issue an attachment against the personal property both of the surety and the defaulter, or the personal property of either of them, and to cause it to be sold, unless the arrear and the expenses of the attachment shall be discharged previous to the day of sale.

Distrainer how to recover the arrear upon the defaulter failing to institute the suit by the time limited in the bond.

X. If an attachment for arrears shall have been issued against an under farmer, ryot, or dependant talookdar, who may have given security for the payment of his rent or revenue, and such under farmer, ryot, or dependant talookdar, shall dispute the justness of the demand, and the surety, within five days commencing from the day following the day of the attachment, or if the property attached shall consist of crops or other ungathered products of the earth, within five days calculating from the day following the day on which such crops or products may be stored, as directed in Section XIII, shall deliver a writing, attested by two witnesses, to the judge of the dewanny adawlut, the cawzy of the pergunnah, or the distrainer, engaging that either he or the stated defaulter will institute a suit in the dewanny adawlut of the zillah, within fifteen days from the date of such writing, to try the demand, and to pay the amount that may be adjudged against them, with interest upon it at the rate of twelve per cent. per annum, to be calculated from the date on which the arrear that may be awarded became payable to the date of the decree, with all costs of suit, the distrainer shall immediately withdraw the attachment. If the surety shall fail to execute such writing within the prescribed period, the distrainer shall continue the property under attachment, and cause it to be sold in the manner directed in Section XXII, unless the arrear and the expenses attending the attachment shall be discharged previous to the day of sale. If the surety shall execute the writing, but fail to have the suit instituted either in his own name or that of the defaulter within the limited period, the distrainer shall demand payment of the arrears from the surety, and in the event of his omitting to discharge the amount immediately, the distrainer shall be at liberty to issue an attachment against the personal property both of the surety and the defaulter, or the personal property of either of them, and to cause it to be sold in the manner directed in Section XXII, unless the arrears and the expense attending the attachment shall be discharged prior to the day of sale. If the surety of the stated defaulter shall refuse or omit to enter into the writing required, or if he shall happen to be at a distance so as to render it impossible for him to execute such writing within the prescribed time, and such defaulter in either of these cases shall give the security required from the defaulters specified in Section IX, the distrainer shall withdraw the attachment, and as far as regards the said arrear, such distrainer, defaulter, and surety, shall be considered in every respect in the same predicament as the distrainers, defaulters, and sureties, mentioned in the said section. Landholders and farmers of land are prohibited distraining or selling the property of the sureties of their under farmers, ryots, and dependant talookdars (nominal sureties excepted as described in Section XXVII) under any pretext whatever, but in the cases specified in this Section and in Section IX. In all other cases landholders and farmers of land are to have recourse to the Dewanny Adawlut of the Zillah for the recovery of any claims which they may have on the sureties of their under farmers, ryots, or dependant talookdars. If any person shall distrain or sell the property of a surety, excepting in the cases above authorized, such surety, provided he be desirous thereof, shall be discharged from his engagement, and the distrainer shall be compelled to restore the property to him, or to pay to him the value of it, if it shall have been sold, damaged, injured or destroyed, or shall not be forthcoming, with all costs of suit.

Under farmers, &c. who have given security for their rent or revenue, and who may contest the arrears, how to procure the attachment to be withdrawn.

Surety to execute writing to try the demand in the Dewanny Adawlut within fifteen days.

Attachment to be withdrawn upon the execution of the writing.

Distrainer how to recover the arrears upon both Surety and Defaulter failing to institute the suit by the time limited in the bond.

Under farmers, &c. how to proceed to get the attachment withdrawn in case of the absence of the Surety, or of his refusing to execute the writing required.

Property of Sureties not liable to distraint or sale, except in the cases herein authorized.

Claim on Sureties on other cases how to be removed.

Penalty for the illegal distraint or sale of the property of Sureties.

XI. If the defaulter shall tender payment of the arrear demanded of him in the presence of two creditable witnesses, after his property shall have been attached, and prior to the day fixed for its being put up to sale, and also of the necessary expenses attending the attachment, the distrainer shall receive the amount of such arrear and expenses immediately upon the same being tendered, and shall forthwith release the property. In case of any dispute arising respecting the expenses of the attachment, it shall be determined by the cauzy of the pergunnah in which the distress may have been levied. The courts of dewanny adawlut are, upon complaint made to them, to punish any distrainer who may act contrary to this Regulation, by awarding against him, in favour of the party injured, damages according to the circumstances of the case, with all costs of suit.

Attachment to be withdrawn if the defaulter shall tender the arrear and expenses of attachment previous to the day of sale.

Penalty.

XII. Distrainers shall not drive or convey distrained cattle or other property out of the limits of the pergunnah in which it may have been attached. The distrainer shall either leave the property upon the premises in the charge of any person he may think proper, or drive or convey it with due care to a proper place as near as possible to the premises within the limits of the pergunnah.

Property distrained not to be taken out of the Purgunnah.

Where to be kept.

XIII. Distrainers who shall attach the crops or any ungathered products of the earth belonging to their under farmers, ryots, or the talookdars paying revenue through them, shall cause such crops or products to be reaped or gathered in due season, and store the same in proper houses, barns or granaries upon the premises, or if there shall be no such places on the premises, in any barn or proper place which can be procured as near thereto

Distrained crops and ungathered products of the earth when to be reaped or gathered and where to be stored.

Reg. XVII. 1793.

as possible within the limits of the pergunnah. The expense of reaping or gathering and storing such crops or products shall be paid by the owner upon his redeeming the property, or from the proceeds of the sale in the event of its being sold.

Distrained Cattle not to be worked, nor goods or effects used. Distrainers to provide food for Cattle or live Stock. Expense how to be defrayed.

XIV. Distrainers shall not work the bullocks or cattle, or make use of the goods or effects distrained. They shall provide the necessary food for the cattle or live stock, the expense attending which shall be paid by the owner upon his redeeming the property, or from the proceeds of the sale in the event of its being sold.

Penalty for distrainers neglecting to take due care of the property distrained.

XV. If property distrained shall be stolen, or lost, or be damaged, injured or destroyed by the weather, or otherwise, whilst in the possession of the distrainer, owing to his not having taken the necessary precautions for the due keeping and preservation of it, he shall make good the loss or damage to the owner.

Distress to be proportionate to the arrear.

Penalty for excessive distress.

XVI. The distress levied shall not be excessive, or in other words the property seized shall be, as nearly as possible, proportionate to the amount of the arrear. If any person vested with the power of distraint shall attach any property, the value of which shall be disproportionate to the arrear, and it shall be proved that he could have seized other property of less value, and which would have been sufficient for the liquidation of such arrear, the court of dewanny adawlut shall award to the owner damages according to the circumstances of the case, with all costs of suit.

Distress to be levied between sunrise and sunset.

Penalty for attaching property after sunset and before sunrise.

XVII. All attachments shall be made after sunrise and before sunset. If any person vested with the power of distraint shall seize or attempt to seize the property of any defaulter after sunset and before sunrise, for the discharge of arrears of rent or revenue, such distrainer shall not be entitled to recover the arrear; and, if the property shall have been attached, shall be compelled to restore it to the defaulter, or the value of it, if it shall have been sold, damaged, injured or destroyed, or shall not be forthcoming, with all costs of suit.

Transfer of a Defaulter's property to prevent distraint, invalid.

Penalty for persons to whom such transfers may be made.

XVIII. If any under farmer, ryot, or dependant talookdar, shall make a fraudulent conveyance or transfer of his property to prevent the attachment of it for arrears, the court of dewanny adawlut, upon proof thereof being made before it, shall cause the property to be delivered up to the distrainer, and compel the person to whom such transfer or conveyance shall have been made, to pay to the distrainer damages adequate to the value of one half of the property, with costs of suit.

Punishment for under farmers, &c. resisting an attachment, or forcibly or clandestinely taking away their property after it has been attached.

XIX. If any under farmer, ryot, or dependant talookdar, shall resist the attachment of his property, or shall forcibly or clandestinely take it away after it shall have been attached, the court of dewanny adawlut shall cause him and all persons who may be proved to have been his aiders or abettors, to be imprisoned in the gaol until he shall restore the property to the distrainer, or the arrear shall have been liquidated by the distraint and sale of other property, or otherwise discharged, with the expenses attending the attachment, and costs of suit.

Punishment for persons not being the owners, forcibly or clandestinely taking away property which has been attached.

XX. If any person, not being the owner, shall be convicted of forcibly or clandestinely taking away property that has been distrained, the court of dewanny adawlut, upon proof thereof being made before it, shall cause such person or persons to be imprisoned until they restore the property, or make good the value of it to the distrainer, and pay to him as damages a sum equal to the value of such property, and all costs of suit.

What places Distrainers may force open to attach the property of Defaulters.

Zenana or women's apartments not to be entered whether the doors be open or shut.

Dwelling houses not to be forced open.

Punishment for entering women's apartments or forcing open dwelling houses.

XXI. Distrainers are empowered to force open any stable, cowhouse, barn, golah, granary, or other building, and to enter any dwelling house, the outer door of which may be open (excepting the apartments in such dwelling house which may be appropriated for the zenana, or residence of women) and to break open the door of any room in such dwelling house, for the purpose of attaching any property belonging to a defaulter which may be lodged therein. But nothing contained in this regulation shall be construed to authorize persons vested with the power of distraint, or their servants or agents, to enter the zenana, or apartments of women, whether the doors or passages leading thereto be open or not; nor to force open and enter any dwelling house, the outer door of which may be locked or barred. Persons entering the apartments of women, or forcing open the outer door of any dwelling house, shall be imprisoned for six months; the distrainer shall not recover the arrear for which the attachment may have been issued, and he shall be compelled to restore to the defaulter any property that may have been attached, or the value of it, if it shall have been sold, damaged, injured or destroyed, or shall not be forthcoming; and the court shall further award against such distrainer heavy damages, with all costs of suit. And if any person shall enter a dwelling house, or break open any stable, cowhouse, barn, golah, granary, or other building, not occupied by or in the possession of the defaulter, to distrain property belonging to him, and no such property shall be found therein, the distrainer shall be liable to prosecution by the occupant or possessor for entering such house or breaking open such stable or other building, and the court shall award to him damages according to the circumstances of the case, with all costs of suit.

Penalty for entering any dwelling house, or breaking open any place not occupied by or in the possession of the defaulter, should no property belonging to him be found therein.

Mode of appraising and selling distrained property.

XXII. After the expiration of the fifth day and before the elapse of the eighth day calculating from the day following the day on which the attachment of the property of a defaulter shall have taken place, or, if the property attached shall consist of crops or other ungathered products of the earth, after the elapse of the fifth day, and before the expiration

tion of the eighth day commencing from the day following the day on which such crops or products were stored, as directed in Section XIII, the defaulter shall apply to the cauzy of the pergunnah to have the same appraised and sold. Upon the receipt of such application, the cauzy shall immediately fix up in the head cutcherry of the pergunnah a list of the property attached, with a notice of the day on which it will be sold, which shall be the fifteenth day commencing from the day following the day on which the attachment took place, unless the property shall consist of crops or other ungathered products of the earth, in which case the sale shall be made on the fifteenth day calculating from the day following the day on which such crops or products may be stored, as directed in Section XIII. The cauzy shall nominate two creditable persons competent by their profession, trade or occupation, to appraise the property. The persons so appointed shall appraise the property according to the current price which the several articles may then bear in the country, and shall deliver the particulars of the appraisement in writing, and attest the same with their seals and signatures, and shall make oath before the cauzy, that they have appraised the property according to the best of their knowledge and judgment. The cauzy shall affix his seal to the paper of appraisement, and shall cause it to be stuck up in the cutcherry. The property shall be brought to the cutcherry on the morning of the day of sale, in order that it may be examined by the persons intending to bid, unless it shall consist of grain or other products of the earth, the removal of which would be attended with considerable expense, in which case samples only, indiscriminately taken from each article, shall be brought to the cutcherry and exposed for the purpose abovementioned. The property shall be put up to sale in one lot, or in two or more lots, as the cauzy may think advisable. The sale shall commence at twelve o'clock in the day, and the property shall be disposed of for the highest price that may be offered for it. If the property shall sell for more than the amount of the arrear, the overplus, after deducting the charges attending the attachment and sale of it, shall be returned to the defaulter. If the proceeds of the sale shall be insufficient for the discharge of the arrear and the expenses attending the attachment and sale, the distrainer shall be at liberty to attach other property belonging to the defaulter, and to cause it to be sold to make good the deficiency. The cauzy is in every case to examine the distrainer's statement of the expenses consequent to the attachment and sale of the property, and to reject any part of it that may appear to him unreasonable. If any person vested with the power of distraint shall sell or dispose of property, which he may have attached for arrears of rent or revenue, in any other mode than that prescribed in this section, he shall forfeit the arrear for which the distress may be levied, to the defaulter, and make good to him the value of the property sold or disposed of, with all costs of suit.

Surplus of the proceeds of property selling for more than the arrear, and expenses, how to be appropriated.

Cauzy to adjust the expenses of the sale and attachment. Penalty for disposing of property, except as herein authorized.

XXIII. The cauzy is to be careful to prevent any unfair practices either in the appraisement or sale of property. Upon proof being made before the court of dewanny adawlut of the zillah of his conniving at any such practices, the court shall cause him to make good any loss or injury that the defaulter may have thereby sustained, with costs of suit, and shall immediately report the circumstances of the case to the sudder dewanny adawlut for the information of the Governor General in Council, who, provided there shall appear to him sufficient reason for so doing, shall dismiss such cauzy from his office.

Punishment for Cauzies conniving at unfair practices in the appraisement or sale of property.

XXIV. The distrainer, the cauzy, and the appraisers, are prohibited purchasing, directly or indirectly, any part of the property. Any cauzy or appraiser offending against this prohibition, shall be compelled to restore the property to the defaulter, or the full value of it, in the event of its being injured, damaged, destroyed, or not forthcoming, and shall forfeit the purchase money which shall be appropriated to the liquidation of the arrear, and pay all costs of suit; and the court shall report the circumstances to the sudder dewanny adawlut for the information of the Governor General in Council, who, if there shall appear to him sufficient ground for so doing, shall dismiss such cauzy from his office. Distrainers acting contrary to the prohibition contained in this section, shall be compelled to restore the property to the defaulter, or the full value of it, if it shall have been injured, damaged or destroyed, or shall not be forthcoming, and shall likewise forfeit to him the arrear for which the property may have been attached, and pay all costs of suit.

Distrainer, cauzy, and appraisers, not to purchase the property.

Penalty.

XXV. Neither the defaulter, nor any person on his behalf, shall be permitted to bid for or purchase the property.

Defaulters not to bid for or purchase their property.

XXVI. The property shall be paid for within five days after the sale, and the purchaser shall not be permitted to carry away any part of it which shall not have been paid for. Should the purchaser fail in the payment of the whole or part of the purchase money by the limited period, the whole of the property, or the part of it which may be unpaid for, shall be resold by the cauzy, on such day as he shall fix, for whatever it may fetch. The defaulting purchaser shall forfeit to the distrainer fifteen per cent. on the amount of the price for which he purchased the property so re-sold, and make good to him any loss that may arise on the re-sale. If any profit shall accrue on the resale, it shall be carried to the credit of the defaulter.

Property sold when to be paid for.

Penalty in case of non-payment of the purchase-money.

XXVII. Persons who tenant or underfarm lands in the name of their children, dependants or others, or in the names of fictitious persons, and give themselves as the ostensible sureties for the performance of the agreement, but retain the actual management of the lands and in fact are themselves the under farmers or ryots of such lands, shall, to all intents and purposes, be considered as the under farmers or ryots of such lands, and their property shall be

Persons who under the names of sureties farm or tenant lands in the name of others, to be considered the actual ryots or farmers of such lands.

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be liable to be distrained and sold for arrears under this Regulation, in the same manner as if the engagement for the lands had stood in their own names.

Landholders and farmers prohibited confining or inflicting corporal punishment on defaulters or their sureties.

XXVIII. Landholders and farmers of land are prohibited confining, or inflicting corporal punishment on any under farmer, ryot or dependant talookdar, or their sureties, to enforce payment of arrears of rent or revenue. If any landholder or farmer shall offend against this prohibition, the person so punished or confined, shall be at liberty either to prosecute the offender for assault or imprisonment in the criminal court, or to institute a suit against him in the dewanny adawlut of the zillah, which court shall award damages against such offender, according to the circumstances of the case, with costs of suit.

What persons are to perform the duties assigned to the cauzy in the event of his absence, or of there being no such officer stationed in the pergunnah.

XXIX. In the event of the absence of the cauzy, or of there being no such officer stationed in the pergunnah, the tesildar, or in case of his absence, or of there being no such officer in the pergunnah, then such person as the judge of the dewanny adawlut of the zillah shall think proper to vest with authority for that purpose, may and shall respectively do all such acts as the cauzy is authorized or directed to perform by this Regulation, and under the like restrictions and penalties, as far as the latter can be inflicted.

Heirs and successors of landholders and farmers to distrain for arrears due to the deceased, if entitled thereto.

Managers of estates of disqualified landholders, and managers of undivided estates vested with the power of distraint.

XXX. Upon the death of any person vested with the power of distraint by this Regulation, his heirs or successors who may be entitled to the arrears due to him, shall be at liberty to distrain the property of the defaulters, and their sureties in the cases authorized for the recovery of the same, agreeably to this Regulation. It is to be understood likewise, that managers of the estates of disqualified landholders, and managers of undivided estates belonging to two or more proprietors, all of whom do not come within the description of disqualified landholders, are authorized to exercise the same powers for the recovery of arrears of rent or revenue, as the proprietors of the estates committed to their charge would be entitled to exercise under this Regulation, were they to be entrusted with the management of their own estates, subject however to the several rules restrictions and penalties therein specified.

Explanatory Rule respecting defaulters employed in the provision of the Investment or the manufacture of salt.

XXXI. The several descriptions of landholders and farmers of land, specified in Section II. are empowered under the restrictions contained in this Regulation, to attach and sell the property of persons employed in the provision of the Company's Investment, or the manufacture of salt, for the recovery of arrears of rent or revenue, without previously stating the claim to the Company's commercial representative, or to any salt agent or other officer employed in the salt department. But such distrainers shall within three days, calculating from the day following the day of the attachment, after they shall have attached the property of any weaver or molungee, or other person employed in the provision of the Company's Investment or the manufacture of salt, send information of such attachment in writing to the commercial resident or salt agent, or the nearest commercial factory or salt cutcherry, that the commercial resident or salt agent may satisfy the demand previous to the time fixed for the sale of the property, or cause such steps to be taken in behalf of the defaulter as may be consistent with this Regulation.

Principals responsible for the acts of their agents.

XXXII. If any gomastah, agent, servant or officer of any person vested with the power of distraint, shall attach or cause to be sold the property of any under farmer, ryot, or dependant talookdar, or their sureties, or do any act in the attachment or sale of it contrary to this Regulation, the party aggrieved shall have his remedy against the principal of the offender for such illegal attachment, sale or act, whether the same took place or was done by the orders or with the knowledge of such principal or not. Provided that nothing contained in this Section shall extend to subject a distrainer to imprisonment in the event of any person deputed by him to attach property, entering the zenana, or apartments of women, or breaking open a dwelling house in opposition to the prohibition contained in Section XXI. unless it shall be proved that such acts were done by the order or with the consent or knowledge of such distrainer.

Persons deeming themselves injured by the distraint and sale of their property, may seek redress in the Dewanny Adawlut.

Persons vested with the powers of distraint to have the option of prosecuting in the Dewanny Adawlut for arrears.

XXXIII. Nothing contained in this regulation shall be construed to prohibit persons whose property may have been distrained or sold, from instituting a suit in the court of dewanny adawlut of the zillah against the distrainer, for any injury which he may think he has hereby sustained. Nor to prevent the several descriptions of landholders or farmers of land, or other persons vested with the power of distraint, from prosecuting in the court of dewanny adawlut of the zillah for arrears due to them from any under farmer, ryot, or dependant talookdar, or their sureties, should they prefer the last-mentioned mode of procedure to distraining and selling the personal property of the defaulter, or, in the cases authorized, of his surety, for the recovery of the arrears under this Regulation.

Suits instituted under this Regulation to be tried in preference to all other suits.

XXXIV. All suits that may be instituted under this Regulation, are to be heard and determined previous to any other suits which may be depending.

No. 10. Regulations and Orders, of the Bengal Government, respecting The Weavers.

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A. D. 1793. REGULATION XXXI.

A REGULATION for re-enacting, with modifications and amendments, the Rules passed on the 23d July 1787, and subsequent dates, for the conduct of the Commercial Residents and Agents, and all Persons employed or concerned in the provision of the Company's Investment.—PASSED on the 1st May 1793; corresponding with the 21st Bysaak 1200 Bengal Era; the 6th Bysaak 1200 Fussily; the 21st Bysaak 1200 Willaity; the 6th Bysaak 1850 Sumbut; and the 19th Ramzaan 1207 Higeree.

THE nature and extent of the commercial concerns of the Company, render it necessary that rules should be prescribed for preventing manufacturers, or other persons in their employ, embezzling the money advanced to them, or disposing of the goods provided with it to individuals, and for ensuring the delivery of the goods agreeably to their engagements. No well-founded objection can be offered to such rules by the manufacturers, or others to whom they may extend, whilst they at the same time establish it as a fundamental principle, that no person shall be compelled to work for the Company, and that those who may engage in their employ, shall always be at liberty to relinquish it, after performing the engagements into which they may have voluntarily entered. It is equally requisite, on general principles, that precautions should be taken to prevent the rules adopted for the abovementioned purposes, being rendered subservient to the private views of the officers employed in the provision of the Investment, to the injury of the manufacturers, and the prejudice of the interests of the Company, both in their commercial capacity, and as rulers of the country. As the most effectual mode of guarding against such abuses, and of ensuring justice to the manufacturers and others in their dealings with the Company, the Governor General in Council has determined that the rules to which persons engaging to furnish goods for the Company's Investment may be subjected, shall be incorporated with the laws and regulations for the internal government of the country, and that the officers employed in the immediate superintendence of the provision of the Investment, shall be liable to be sued for any deviation from those rules in the courts of judicature, that every person who may deem himself aggrieved by their official acts, whether originating with themselves, or done in consequence of orders from the superior authorities, may be able to obtain redress with the same facility as for an injury received from any individual. THE following RULES, being the Rules passed by the Governor General in Council on the 23d July 1787, and subsequent dates, with modifications and amendments, adapted to the principles above stated, have been accordingly enacted.

No Weaver to be compelled to work for the Company.

II. Weavers not indebted, nor under engagements to the Company, shall not be compelled to enter into their employ; and weavers indebted, or under engagements to the Company, on duly discharging such debts or engagements, shall not be compelled to enter into fresh engagements.

Persons under engagements, after fulfilling them not to be compelled to re-engage.

Conditions to which Weavers engaging for the provision of the Company's Investment are to consider themselves subject.

III. *First.* Weavers who may engage for the provision of any part of the Company's Investment, are to consider themselves as engaging under the following Rules and Conditions.

Engagements to be made in writing attested by not less than two witnesses.

Second. All engagements with weavers, are to be made in writing, attested by at least two credible witnesses. One copy of the writing is to remain with the commercial resident or his officers, and the remaining copy with the other party to the engagement.

Weavers not choosing to take further advances, to give a fortnight's notice.

Third. Weavers under engagements to the Company, and who may not intend to take further advances, shall give at least a fortnight's notice of their intention.

No Weavers to work for individuals, or bazar sales, until they have completed their engagements on account of the Investment.

Fourth. Weavers indebted to the Company, who have received advances from them, or come under engagements to them, shall, in discharge of such debt, advances, or engagements, deliver cloths, according to agreement. They shall on no account give to any other person or persons whatever, European or Native, either the labour or the produce engaged to the Company; and if they have not fulfilled their engagements by the period agreed on, they shall not work for newer engagements, nor for bazar sales, until those engagements are completed.

Peons may be put on Weavers failing in their engagements for the purposes herein specified.

Fifth. When any weaver fails to deliver, by the stipulated periods, the cloths for which he may have engaged, the commercial resident shall be at liberty to place peons upon him, in order to quicken his deliveries, and prevent his infringing the two restrictions in the latter part of clause fourth.

Penalty for Weavers disposing of cloths to individuals whilst they are deficient in their deliveries on account of the Investment.

Sixth. If notwithstanding the restrictions in the latter part of clause fourth, any weaver shall by himself, or by any other person, sell cloths to private merchants, Europeans or Natives, or to dealers or agents of whatever description, whilst he is deficient in his stipulated deliveries on account of the Company's Investment, he shall be liable to be prosecuted in the dewanny adawlut, and upon proof of the fact, he shall be adjudged to forfeit to the Company all that the produce of the cloths so sold, rated either at what he got for them, or their bazar value, shall exceed the ordinary prime cost of the thread in them, with costs of suit besides, and moreover be obliged to complete his engagements.

Penalty for Weavers failing in their stipulated deliveries.

Seventh. Weavers possessed of more than one loom, and entertaining one or more workmen, shall be subject to a penalty of thirty-five per cent. on the stipulated price of every piece of cloth that they may fail to deliver according to the written agreement which they may have executed, in addition to the repayment of the money advanced for the same.

How the penalty in the preceding Clause is to be recovered.

Eighth. The penalty specified in the preceding clause, shall be sued for in the dewanny adawlut, and shall be recoverable, on the agreement with the weaver, and the failure in his deliveries, being proved.

List of Weavers employed by the Company to be fixed up in the Cutcherry of the Collector.

IV. A list or register of the weavers employed in the provision of the Company's Investment in every pergunnah, specifying their places of abode, shall be fixed up by the commercial resident in the cutcherry of that pergunnah, and shall be corrected at the beginning of every week or month, according to the alterations that may have happened in the week or month preceding. The officers of the cutcherry are to give immediate permission for the exhibition of the list, and the commercial resident shall transmit a copy of it in the native languages once in every three months to the judge of the zillah.

Persons procuring from Weavers Cloths made with the Company's advances, how to be proceeded against.

V. Persons procuring from weavers in the Company's employ, by the offer of ready money, or under the pretence of previous engagements which were not avowed, cloths really wrought for the Company, and with their advances, knowing such cloths to be the right of the Company, either by the mark upon them, or the transactions between the weavers from whom they procure them and the Company, or having reason for such knowledge from the notoriety of such weavers being in the Company's employ, or discovering the same by the clandestine methods they take to obtain the cloths, shall be liable to be sued for damages in the dewanny adawlut, and on proof of the fact to its satisfaction, the court shall award to the Company such amount as may appear to it equitable, in addition to the cloths so obtained. But for purchases openly and fairly made in the public hauts and bazars, the buyers shall not be liable to prosecution, unless the cloths have the Company's mark upon them.

No persons to use means to prevent individuals being engaged in the Company's employ.

VI. All officers of government, proprietors and farmers of land, and dependant talookdars, under farmers and ryots, and their agents and dependants, are enjoined not to hinder the commercial residents or their officers from access to weavers or other persons, in order to treat with them about the Company's business; nor are they to use any arts, menaces, or punishments, to deter weavers or other persons from accepting the Company's advances, under pain of being liable to be sued for damages in the dewanny adawlut.

No public Officers or any individuals to behave with disrespect to the Residents or their Officers; nor to impede the business of the Investment, but to assist it to the utmost of their power.

VII. All officers of Government, proprietors and farmers of land, talookdars, under farmers, and ryots, and their agents and dependants, are strictly prohibited from behaving with disrespect to the commercial residents or their officers; and they are required, on application from the commercial residents or their officers, to afford every assistance for the protection of the weavers and other persons employed by the Company, and the security of the Investment, that may be consistent with the powers and authority vested in them, and the Regulations.

Weavers in their capacity of Ryots to be subject to the same Regulations as other Ryots, with the exceptions hereafter specified.

VIII. Weavers employed by the Company, who may cultivate or rent land, are to pay the rent according to their pottahs, in the same manner as other ryots or renters, and under the same rules and regulations, with the exceptions hereafter specified as to the mode of demanding and enforcing payment of arrears of rent due from them.

Rules for the recovery of arrears of rent from Weavers in the Company's employ.

IX. *First.* To prevent unnecessary interruption to the provision of the Investment, and at the same time that weavers and other persons employed in the provision of it, may not withhold the rent justly due from them for land which they may rent or cultivate, the following Rules are prescribed.

Weavers, &c. in the Company's employ, not to be summoned by any Native concerned in the collections of the Rents or Revenue of Lands.

Second. No weaver, or other manufacturer, gomastah, or other officer or person employed in the provision of the Company's Investment, shall be summoned to the cutcherry of any proprietor or farmer of land, or any native holding or entrusted with the collection of the rents or revenue of lands, under any pretence whatever. If any such persons shall have claims on such weavers, manufacturers, gomastahs, or officer, for or relating to arrears of rent, they shall either distrain for the amount under Regulation XVII, 1793, or sue the defaulter for it in the dewanny adawlut, or state their claim in writing to the commercial resident, who, if the weaver, or other person, be then actually employed by the Company, may, if he shall deem it expedient so to do, cause him to satisfy the claim, or satisfy it himself, and stop the amount by kistbundy from his future advances, so that his labour on account of the Company's Investment may not be interrupted. But the cloth, thread, or advances belonging to the Company in the hands of such weaver, or other person, shall in no case be liable for such demand, but shall be restored to the resident.

How summonses are to be served on Weavers or other persons in the Company's employ, who may be sued in the Dewanny Adawlut.

X. *First.* Persons instituting suits in the dewanny adawlut against a weaver or other manufacturer, or any officer or person employed in the provision of the Company's Investment, are to specify his being so employed in the bill of plaint. In such cases, the summons, with a copy of the plaint, shall be enclosed to the commercial resident under a sealed cover, addressed to the resident, and superscribed with the official signature of the judge or the register. It shall be at the option of the resident to execute, or to cause one of his officers, or any person whom he may think proper, to execute the security required from defendants by Section V, Regulation IV, 1793, and also the security directed to be taken by Section IX, Regulation VII, 1793, for the fees of the authorized vakeel whom the defendant may entertain, or to leave the party summoned to find such securities, and in the latter case, if the officer of the court bearing the summons, where it shall have been transmitted by an

officer

officer, shall entertain any doubt of the responsibility of the security so offered, and the resident shall deem it to be sufficient, the officer shall accept the security. If the resident shall not think it proper to order any of his officers, or any other person to become security, and the defendant himself shall not be able to find security which the resident may deem responsible, he is to cause the defendant to accompany the officer of the court to the court, or, if no officer shall have been sent with the summons, to appear in person before the court, that he may be dealt with in the same manner as other defendants not giving the required security.

Second. The residents are to empower the head officer at each of the different aurungs or kotees subordinate to them, and also an authorized vakeel of the dewanny adawlut, or any other person whom they may think it proper to station at the place at which the court may be held, to execute securities for the persons, and in the cases specified in the preceding clause. The residents are to be careful to keep the judges furnished with a list of the persons so empowered, specifying also the place at which they may usually reside, and the judges are authorized, in instances in which they may deem it proper, either from the distance of the place of abode of the resident from the place at which the party summoned may reside, or other circumstances, to order the summons to be inclosed to one of the persons so empowered to become security, instead of transmitting it to the resident himself, under the preceding clause, in which case, such person shall proceed in the same manner as the resident is directed to proceed, where the summons may be sent immediately to him.

Residents to empower persons to become security, and Judges may transmit summonses to them.

Third. If any person shall prefer a suit in the dewanny adawlut against a weaver or other manufacturer, or any officer or person employed in the provision of the Company's Investment, without specifying that the defendant is so employed, and the summons shall in consequence be ordered to be served on the defendant, in the same manner as on other defendants, the officer serving the same, upon the circumstance of the defendant being so employed, being notified to him by the resident, or any of his officers, or by the defendant himself, shall deliver the summons to the nearest person empowered to execute the securities in the cases specified in clause first, whether the resident, or the head officer of an aurung or kotee, who shall proceed in the manner prescribed to the resident in that clause. If the officer shall receive the notification of the defendant being in the Company's employ, from the defendant only, and shall entertain doubts of his being so employed, or if he shall not entertain any doubt of his being so employed, but shall apprehend that he will abscond whilst he (the officer) is repairing with the summons to the person empowered to execute the securities, he shall in such case, carry the defendant, with the summons, to the person so empowered, and shall not release him, until the required securities have been executed.

How obedience to a summons is to be enforced if issued against a person employed in the Company's Investment, without its having been so specified in the plaint.

Fourth. In cases in which a weaver or other manufacturer, or any officer or person employed in the provision of the Company's Investment, shall be charged before the magistrate with a bailable offence, the warrant shall be served in the manner directed in the preceding clauses with regard to summonses in civil cases, with this difference, that the warrant shall require the party summoned to appear in person, or by vakeel, as the magistrate may think proper, and shall specify the amount of the sum for which the security or recognizance for the appearance of the defendant is to be given, and the amount of which shall be regulated by the magistrate, according to the nature of the charge, and the situation and circumstances in life of the defendant.

How warrants for bailable offences against persons employed in the Investment, are to be served.

Fifth. In all the cases specified in the preceding clauses of this Section, the resident or head officer through whom the summons or warrant may be served, shall return on the back of it in what manner it has been served, and by whom the security has been executed.

Return to be made on the back of summonses, and warrants served as above directed.

Sixth. If a charge shall be preferred to a magistrate against any weaver or other manufacturer, or any officer or person employed in the provision of the Company's Investment, for an offence that is not bailable, and there shall appear to the magistrate sufficient ground for apprehending the person so charged, the warrant for his apprehension shall require him to appear immediately in person, and shall be executed in the same manner as upon persons not so employed. But the officer, after securing the offender, is to give notice of his apprehension to the resident, or the head officer of the nearest aurung or kotee.

Warrants for offences not bailable, how to be executed on persons in the Company's employ.

Seventh. The darogahs of police are to observe the rules prescribed in clauses fourth and sixth of this Section, in complaints that may be preferred to them against weavers or other manufacturers, or officers or persons in the employ of the Company.

Darogahs of Police to observe the rules in Clauses Fourth and Sixth.

Eighth. In all cases in which the residents, or their head officers empowered for that purpose, shall become security under any of the clauses of this Section, for the appearance of any person employed in the Investment, or for the fees of his vakeel, or shall declare any person whom the party summoned may offer as security, to be responsible, the resident is to be considered personally answerable for the due performance of the conditions of the security, in the event of the party for whom the security may be given not performing them himself, or, where the party himself shall have given the security, and it shall have been declared responsible by the resident, or his head officer of an aurung or kotee, in the event of the party or his surety not performing them. It will accordingly be the business of the residents to take care to employ creditable persons only as head officers at the several aurungs and kotees to superintend the business, and become security, and to

Residents and their Head Officers to be responsible for the performance of the conditions of the Securities they may execute or approve.

 furnish

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furnish them with proper instructions, and to take such security from them, as they (the residents) may deem sufficient to indemnify themselves for the consequences that may result from any abuse which such officers may commit in the exercise of their trust.

How Summonses on persons employed in the Investment when required as Witnesses, are to be executed.

Ninth. Summonses to weavers or other manufacturers, or officers, or any persons employed in the Company's Investment, as witnesses, shall be served in the same manner as if they were parties in the cause, but the judges are to be careful not to summon such persons excepting when their attendance shall be absolutely necessary, and on their appearance, to have them examined and dismissed with all practicable dispatch, so that they may be absent from the business of the Investment as short a time as possible.

Residents and their Head Officers forbidden to apply the above Rules to persons not employed in the Company's Investment.

Discretionary power vested in the Judges and Magistrates of causing the immediate attendance of all Natives employed in the Investment.

Restrictions under which this discretionary power is to be exercised.

Tenth. The residents, and their head officers, are declared liable to be sued in the dewanny adawlut, should they apply any of the rules in the preceding clauses of this Section regarding summonses and warrants issued against persons employed in the Investment, to persons not bonâ fide so employed. And as the rules contained in those clauses, are intended only to prevent unnecessary interruption to the Investment, where it can be avoided without impeding the course of justice, the judges and magistrates are empowered in particular cases in which it may appear to them indispensably necessary for the purposes of justice, to order the personal attendance of any native officer or person in anywise concerned or employed in the Investment, whether he may be a party or a witness in the suit or prosecution, notwithstanding any thing that may be said to the contrary in those clauses, and to cause process to be executed upon him for that purpose, in the same manner as upon other individuals; but in such cases, the judges and magistrates are to record their reasons for deviating from the prescriptions contained in the said clauses, which are to be considered as the general rules for issuing and executing such summonses and warrants, and in the summons or warrant, they are to specify that it has been specially ordered to be so executed, in virtue of the discretionary power vested in them by this clause; and they are moreover strictly enjoined to refrain from every unnecessary exercise of this discretionary power.

Transactions between private Traders and Weavers cognizable in the Courts of Dewanny Adawlut, the Judges of which are to decide according to the case and the Regulations.

XI. All complaints of weavers against individual traders, and vice versa, are to be considered as matters of a private nature between the parties, who are to have recourse to the proper courts of judicature, should they have any ground of complaint against each other for breach of engagements, or other cause. The courts are to decide according to the tenor of the engagements between the parties, if any engagements exist, and the regulations: But where weavers are employed at the same time by more than one foreign or private agent, they shall deliver first to the previous contractor, and afterwards to the others, according to priority of engagements.

Decisions in favour of private Traders against Weavers previously in the employ of the Company, to be made with a saving of their claims; which are to be first satisfied provided they be proved.

XII. *First.* Decisions in favour of private merchants, or other individuals, against weavers who were in the employ of the Company at the time they entered with such private merchants or individuals into the agreements on which they are sued (their having been so employed being proved by the lists of the Company's weavers published at the cutcherries and transmitted to the judge of the dewanny adawlut as directed in Section IV, as well as by the dates of the respective agreements and transactions consequent to them) shall be made with a saving to the Company of their claims on such weavers, which claims also are to be proved in court. And that this rule may be carried into effect, before execution follows at the suit of an individual against any weaver in that list, the Company's commercial resident shall be desired to state whether such weaver was in the employ of the Company when the agreement on which he may be cast was made, as also whether the Company have any and what demand upon him, and to make proof of the same; which being satisfied or secured, the sum decreed against him in favour of the individual shall next be made good from his property, but his person shall not be liable to attachment.

Punishment for Gomastahs, &c. changing cloths, and committing the offences herein specified.

XIII. Gomastahs, deedars, mokeems, and all native servants and persons of whatsoever description, employed under the Company's factories or aurungs in the provision of their Investment, guilty of changing the Company's cloths; accepting of money from individuals for abetting or conniving at the alienation of them by the weavers; writing false balances in the Company's accounts; embezzling otherwise the property entrusted to them; or exacting money in any shape from weavers to whom advances are made; shall, on conviction in the court of dewanny adawlut to which they may be amenable, forfeit double the amount of the value of the property, or the money which they may have embezzled, alienated, or exacted, and shall be further liable to imprisonment for any term that the court may judge proper, not exceeding twelve months, and upon the circumstances being represented by the Board of Trade to the Governor General in Council, he will, if it shall appear to him proper, declare the offender incapable of serving Government in any capacity.

Rules regarding Weavers applicable to others providing goods for the Investment.

XIV. All the rules in this Regulation regarding weavers employed for the Company, are to be considered to extend, in their principles and meaning, to the manufacturers and other persons employed in the provision of raw silk, and of the other articles of the Company's Investment provided within the Provinces of Bengal, Behar, or Orissa.

Rules for Residents trading on their own account.

XV. *First.* The following Rules are prescribed for the conduct of commercial Residents carrying on trade for themselves.

Resident to supply the Company's goods in the first instance.

Second. The Resident shall supply, or ensure the Company's demand for goods, as far as the ability of his aurung will go, before he provides any for himself.

Third.

To distinguish the Company's provision from his own.

Third. He shall carefully and avowedly distinguish to the manufacturers, between the Company's provision and his own.

Company's prices not to be made the standard of his own trade.

Fourth. He shall give them the price for which they may choose to deal with him, without making the Company's prices a standard for his own trade.

Not to use his official influence to make the Manufacturers work for him in preference to others.

Fifth. He shall not make use of any influence he may possess, as the Company's representative, to induce the manufacturers to work for him in preference to other dealers.

Subject to the same rules as private Traders.

Sixth. He shall be subject to the same regulations, in case of disputes with manufacturers, as other private traders.

To deal on his own stock.

Seventh. He shall not take any commission for agents or others, but deal merely on his own stock as a merchant.

Not to trade in the name of another.

Eighth. He shall not carry on any trade in his aurung, directly or indirectly, in the name of any other person.

His goods not be sold at his own Aurung, nor sent to a foreign Settlement.

Ninth. Whatever goods he may provide of the produce of the aurung where he is stationed, shall not be sold there, nor sent to any foreign settlement, but shall be consigned to some other place, and if brought to Calcutta, or sent by manjee to the upper provinces, shall be registered in his name in the custom-house books.

To deliver an annual Statement of his private trade to the Board of Trade.

Tenth. He shall state to the Board of Trade by the 15th of December in every year, the gross amount of the money invested or to be invested by him on his own account, as nearly as he can judge of the same, from the 1st May preceding to the 30th April following, and the Board of Trade shall thereupon communicate to the Governor General in Council any remarks that may appear to them proper.

Residents and their Officers liable to be sued in the Dewanny Adawlut for breach of Regulations, under the restrictions herein specified.

XVI. The commercial residents and their native officers of every description, are declared liable to be sued in the dewanny adawlut by weavers or others with whom they may use compulsion to make them enter into the Company's employ, or whose names they may improperly insert in the list specified in Section IV, or whom they may not pay for their cloths or goods according to the engagements entered into between them and the Company, or who may not obtain in due time a fair settlement of accounts, or who may suffer unjust exactions from peons put over them; or for any breach of this Regulation, or any other Regulation regarding the provision of the Investment, printed and published in the manner directed in Regulation XLI, 1793. In all such cases, whether the act complained of shall have been done by the resident or any of his officers, the party aggrieved is in the first instance to state his complaint to the resident, and in the event of his refusing to afford the required redress, or omitting to grant it within a reasonable time, the complainant may then sue the resident, whether the injury complained of shall have been done by himself or his officer. But the courts are not to receive any suit that may be preferred against a resident or any of his officers, unless the complainant shall prove to the satisfaction of the court, by oath, or by any other mode which the court may deem satisfactory, that he applied to the resident for redress, and that he refused to afford the redress required, or omitted to grant it within a reasonable time. Either party dissatisfied with the award or decision of a resident, on any complaint made to him under this Section, may appeal from it to the dewanny adawlut.

Resident and his Officers to defend suits instituted against them for a breach of the Regulations, at their own risk.

XVII. In suits instituted against a resident or any of his officers, under the preceding Section, and where the act complained of shall not have been done pursuant to special orders from the Board of Trade, or the Governor General in Council, the party complained against is to appoint one of the authorized vakeels of the court to defend the suit at his own risk.

Residents may take upon themselves the defence of suits instituted against their Officers.

XVIII. The residents may take upon themselves the defence of any suits which may be instituted against their officers, but in such cases the residents are to be answerable for the decree of the court, in the same manner as if the suit had been originally instituted against them.

Process issued against Residents, how to be served.

XIX. When any process shall be issued by a court of civil judicature to a commercial resident, the judge, or the register of the court, is to transmit it under a sealed cover, addressed to the resident in the form of a letter, and superscribed with his name and official appellation. The resident is immediately to acknowledge the receipt of the process by an endorsement to that effect on the instrument, and to return it under a sealed cover addressed to the judge or the register of the court from which it may have issued.

By whom decrees, costs and damages given against Residents and their Officers, are to be made good.

XX. Where the Board of Trade shall approve of decisions given against the commercial residents or their officers, in suits in which they may have been engaged in their official capacity, and which may not have been prosecuted or defended by them, pursuant to orders from the Board, or the Governor General in Council, they are empowered to make the resident, or his officer by whom the act complained of may have been done, responsible for the whole or any part of the costs and damages awarded by the decree, or of the decree itself, if upon a consideration of the merits of the case, and of the conduct of the person against whom the decree may be given, or the act complained of may have been done, they shall be of opinion that the Company ought not to be charged with all or any part of such costs or damages, or decree. But in such cases, the person

Reg. XXXI. 1793.

person whom they may so determine to hold responsible, may appeal the cause at his own risk and cost.

Board of Trade may authorize an appeal from any decision passed against the Resident or his Officers.

XXI. If the Board of Trade shall be dissatisfied with a decree passed against a commercial resident or any of his officers, in suits in which they may have been engaged, either with or without their orders, or the orders of the Governor General in Council, they may authorize an appeal from it under the Regulations, in which case the appeal shall be carried on in the provincial court of appeal, and in the sudder dewanny adawlut (should the cause be carried to the last-mentioned court) by the vakeel of Government, or by any other authorized vakeel of the Court into which the cause may be brought, notwithstanding any thing that may be said to the contrary in any Regulation passed on this date.

Security not to be demanded from Residents or their Head Officers for their appearance, or costs, or damages, or decrees.

XXII. Security is not to be demanded from the commercial residents, or the head officers of aurungs or kotees who may be empowered to execute securities, for their personal appearance in any suit in which they may be engaged in their official capacity; nor shall security be required from them for the payment of costs or damages, or for the performance of the decrees or orders of the courts, as Government will be responsible for causing the residents to answer to such suits instituted against them, and to make good the decrees, and will hold them responsible for their head officers of aurungs or kotees answering to such suits preferred against them, and performing the decrees that may be passed therein.

Residents and their Head Officers not liable to prosecution for the acts of their predecessors.

What Suits they are bound to defend after removal from office.

XXIII. The residents, and their head officers of kotees or aurungs, shall not be liable to prosecution for official acts of their predecessors. But persons who may be removed from a residency, or from the place of head officer of an aurung or kotee, are to carry on in the same manner as if they had continued in the office, all suits instituted against them in their official capacity, unless the Board of Trade, upon a consideration of the circumstances of the cases, shall deem it advisable to order their successors to carry on the suits. This rule however is not to extend to suits in which a resident or head officer, who may have been removed, shall have been engaged in virtue of orders from the Board of Trade, or the Governor General in Council; all such suits are to be carried on by the resident for the time being, and at the risk and expense of Government.

Residents and their Head Officers allowed to forward instructions to their Vakeels by the Dawk, free of postage.

Instructions to be sealed and inclosed under a sealed cover addressed to the Register of the Court, who is to deliver them sealed.

The Vakeels may in like manner forward instructions to their constituents through the Register.

XXIV. To facilitate the communication between the residents and their head officers of aurungs or kotees, and their vakeels in the zillah or city courts, or the provincial courts of appeal, and the sudder dewanny adawlut, who may be entrusted with the conduct of any suits or appeals in which they may be engaged in their official capacity, either whilst they may continue in the office, or after their removal from it, they are permitted to forward, free of postage, any instructions which they may have to transmit to their vakeels in those courts. The instructions are to be enclosed under a sealed cover directed to the vakeel. The instructions so sealed and directed, are to be transmitted under a sealed cover, addressed to the register of the court in which the cause may be depending, and superscribed with the name and official appellation of the person dispatching it; or that which he bore when the cause of action arose. The register of the court, immediately on receiving the instructions, is to deliver them sealed to the vakeel to whom they may be directed. In like manner, the vakeels in any of the courts to whom the pleading of such suits or appeals may be committed by commercial residents, or their head officers abovementioned, are authorized, either whilst their constituents remain in such office, or after they shall have been removed from it, to forward any papers which they may have to convey to their constituents by the public dawk, free of postage. The papers are to be enclosed in a cover sealed with the seal of the vakeel, and the judge, or the register to the court, is to transmit the papers so sealed, in a cover sealed and addressed to the person to whom they are to be forwarded, and superscribed with his official signature.

Cases in which the Board of Trade are to take upon themselves the prosecution or defence of Suits or Appeals.

XXV. In cases in which the Board of Trade may judge it expedient, or in which they may receive orders for the purpose from the Governor General in Council, they are to take upon themselves the superintendence of the prosecution or defence of any suit or appeal in which they or their officers may be engaged, either in a zillah or city court, or in a provincial court of appeal, or in the sudder dewanny adawlut, instead of leaving the superintendence of the conduct of the suit or appeal to the resident, or any of his officers.

Residents and their Head Officers not to derive any advantage from Suits.

Nor to sustain any loss if their conduct be be approved.

XXVI. Neither the commercial residents, nor their head officers of aurungs or kotees, are to derive any advantage whatever from suits in the courts of justice in which they may be engaged, or in anywise concerned, in their official capacity. On the other hand, it is not intended, that the residents or their abovementioned officers should sustain any loss in consequence of such suits, where their conduct may be adjudged to be conformable to the regulations, or may be approved by the Board of Trade, or the Governor General in council. The Commercial residents and their head officers of aurungs or kotees, are accordingly to bring to the credit of the Company in their accounts, all sums whatever that may be adjudged to them by any of the courts of justice, and they are to note at the foot of their accounts, or in a separate account, or under a distinct head in their accounts, according as the Board of Trade may direct, all sums which they may disburse, or be adjudged to pay, on account of suits in which they may be engaged, or be concerned, in their official capacity; but no such disbursements or payments are to be considered as passed to the debit of the Company, until the previous sanction of the Board of Trade, or the Governor General in Council, shall have been obtained for that purpose, and until such

Sums disbursed by Residents and their Head Officers not to be carried to the debit of the Company without orders from the superior authorities.

sanction

sanction is procured, the residents or the officers making the disbursements or payments, are to be held answerable for the amount. Reg. XXXI. 1793.

XXVII. The rules in this regulation respecting commercial residents, are to be considered equally applicable to their assistants having the charge of the business, or to any other person being a covenanted servant of the Company, and entrusted with the superintendence of the provision of goods for the Company's Investment at any aurung, whatever may be his official appellation. Rules regarding Commercial Residents applicable to their assistants or other servants entrusted with the business.

XXVIII. If a weaver or manufacturer, or any native employed in the provision of the Company's Investment, shall deem himself aggrieved by any act done in opposition to this regulation by a commercial resident, or any covenanted servant of the Company having the charge of the business of an aurung, pursuant to special orders from the Board of Trade, or the Governor General in Council, he will be at liberty to seek redress in the mode prescribed for such cases in Section XI, Regulation III, 1793. Natives aggrieved under this Regulation by special orders of the Governor General in Council, or the Board of Trade, how to obtain redress.

A. D. 1795. REGULATION XXII.

Section LXXXV. In consequence of complaints preferred by the weavers in the sircar ghazeepoor, of the impositions practised on them by the dellols and dustoories, orders were issued on the 22d of March and 22d of July 1790, notifying that the weavers throughout the four sircars, composing the zemindarry of Benares, were to be considered as having the option of carrying on their business, either through or without the interference of the above-named intermediate agents, and that they were at full liberty to bring their cloths into any bezar or market, and freely to dispose of them to the best advantage; and that no person was to presume, on any pretence, to fix any price on their goods; and that they were to sell their fabrics to whomsoever they might think proper, and for such price as they and the purchaser might mutually and voluntarily settle. Reg. XXII. 1795.

A. D. 1799. REGULATION N° VII.

Section IV. The same principle is to be observed with respect to the sale of ungathered products, after the distrainer shall have gathered and stored them, as required by Section XIII, of Regulation XVII, 1793, and which are not to be sold until publication shall have been made, as above directed. In consequence of this alteration, which is made with a view to expedite the sale of distrained property, distrainers when they attach the property of persons employed in the provision of the Company's Investment, or in the manufacture of salt, are to give the notice directed in Section XXXI, of Regulation XVII, 1793, as soon as possible after making the attachment; and in such cases the property is not to be sold until sufficient time has been given to enable the Company's officers to satisfy the demand before the day of sale. The notice required by the above Section, however, may, at the option of the distrainer, be either given to the commercial resident or salt agent, in whose division the defaulter may have been employed, or to the native superintendent of the factory or saltchokey to which the defaulter may be attached. Reg. VII. 1799.

A. D. 1795. REGULATION XLV.

Section III. Persons vested with the power of distraint, shall not distrain or sell the lands, houses, or other real property of their under farmers and ryots, or of the zemindars or putteedars paying revenue through them; nor goods or advances belonging to the Company; nor the loom, thread, unwrought silk, or materials of manufacture of any weaver or manufacturer; nor the tools of any tradesman or labourer, standing towards them in the relation of under farmer, ryot, or dependant zemindar or putteedar: all such distraints and sales are declared illegal and void. The defaulter shall stand acquitted of the arrear for which the distress may be levied, and the property shall be restored to him, or the distrainer shall be compelled to make good to him the value of it, if it shall be personal property, and shall have been destroyed, damaged or injured, or shall not be forthcoming, and the distrainer shall be further obliged to pay to him damages adequate to the loss which he may prove to have sustained in consequence of such attachment or sale, with all costs of suit. Reg. XLV. 1795.

No. 10, Regulations and Orders, of the Bengal Government, respecting The Weavers.

Reg. XXXVII. 1803.

A. D. 1803. REGULATION XXXVII.

A REGULATION prescribing Rules respecting the provision of the Honourable the English East India Company's Investment, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.—PASSED by the Governor General in Council, on the 24th of March 1803; corresponding with the 12th Choite 1209 Bengal Era; the 16th Choite 1210 Fussily; the 12th Choite 1210 Willaity; the 16th Choite 1860 Sumbut; and the 29th Zekaad 1217 Higeree.

WHEREAS the nature and extent of the commercial concerns of the Company render it necessary, that rules should be prescribed for preventing manufacturers, or other persons in their employment, from embezzling the money advanced to them by the Company, or from disposing of the goods provided with such money to individuals; and also for ensuring the punctual delivery of goods, engaged to be provided on account of the Company: And whereas no well-founded objection can be offered to such rules by the manufacturers, or others to whom they may extend; while it is established by the same rules, as a fundamental principle, that no person shall be compelled to provide goods for the Company, and that those persons who may be employed by them shall always be at liberty to relinquish their employ, after performing the engagements into which they shall have voluntarily entered: And whereas it is equally requisite, on general principles, that precaution should be taken to prevent the rules adopted for the abovementioned purposes, from being rendered subservient to the private views of the officers employed in the provision of the Investment, to the injury of the manufacturers, and to the prejudice of the interests of the Company, both in their commercial capacity, and as rulers of the country: And whereas the Governor General in Council has determined, with a view of more effectually guarding against such abuses, and of ensuring justice to the manufacturers and others in their dealings with the Company, that the rules to which persons engaging to furnish goods for the Company's Investment may be subjected, shall be incorporated with the laws and regulations for the internal government of the country, and that the officers employed in the immediate superintendence of the provision of the Investment, shall be liable to be sued for any deviation from those rules in the courts of judicature, affording thereby to every person deeming himself aggrieved by their official acts, whether originating with themselves, or done in consequence of orders from the superior authorities, the means of obtaining redress, with the same facility as for an injury received from any individual: THE following RULES have been accordingly enacted:—

No weaver to be compelled to work for the Company.

II. Weavers not indebted, nor under engagements to the Company, shall not be compelled to enter into their employ; and weavers indebted, or under engagements to the Company, on duly discharging such debts or engagements, shall not be compelled to enter into fresh engagements.

Persons under engagements, after fulfilling them, not to be compelled to re-engage.

Conditions to which weavers engaging for the provision of the Company's Investment, are to consider themselves subject.

III. *First.* Weavers who may engage for the provision of any part of the Company's Investment, shall consider themselves as engaging under the following rules and conditions.

Engagements to be made in writing, attested by not less than two witnesses.

Second. All engagements with weavers shall be made in writing, attested by at least two credible witnesses. One copy of the writing shall remain with the commercial resident or his officers, and the remaining copy with the other party to the engagement.

Weavers not chusing to take further advances to give a fortnight's notice.

Third. Weavers under engagements to the Company, and who may not intend to take further advances, shall give at least a fortnight's notice of their intention.

No weavers to work for individuals, or bazar sales, until they have completed their engagements on account of the Investment.

Fourth. Weavers indebted to the Company, who have received advances from them, or come under engagements to them, shall, in discharge of such debt, advances or engagements, deliver cloths according to agreement. They shall on no account give to any other person or persons whatever, European or Native, either the labour or the produce engaged to the Company; and if they have not fulfilled their engagements by the period agreed on, they shall not work for newer engagements, nor for bazar sales, until those engagements are completed.

Peons may be put on weavers failing in their engagements, for the purposes herein specified.

Fifth. When any weaver fails to deliver, by the stipulated periods, the cloths for which he may have engaged, the commercial resident shall be at liberty to place peons upon him, in order to quicken his deliveries, and prevent his infringing the two restrictions in the latter part of Clause Fourth.

Penalty for weavers disposing of cloths to individuals whilst they are deficient in their deliveries, on account of the Investment.

Sixth. If notwithstanding the restrictions in the latter part of Clause Fourth, any weaver shall by himself, or by any other person, sell cloths to private merchants, Europeans or Natives, or to dealers or agents of whatever description, whilst he is deficient in his stipulated deliveries on account of the Company's Investment, he shall be liable to be prosecuted in the court of adawlut, and upon proof of the fact, he shall be adjudged to forfeit to the Company

Company all that the produce of the cloths so sold, rated either at what he got for them, or their bazar value, shall exceed the ordinary prime cost of the thread in them, with costs of suit besides, and moreover be obliged to complete his engagements.

Penalty for weavers failing in their stipulated deliveries.

Seventh. Weavers possessed of more than one loom, and entertaining one or more workmen, shall be subject to a penalty of thirty-five per cent. on the stipulated price of every piece of cloth that they may fail to deliver, according to the written agreement which they may have executed, in addition to the repayment of the money advanced for the same.

How the penalty in the preceding clause is to be recovered.

Eighth. The penalty specified in the preceding clause shall be sued for in the court of adawlut, and shall be recoverable on the agreement with the weaver, and the failure in his deliveries, being proved.

List of weavers employed by the Company, to be fixed up in the cutcherry of the collector.

IV. A list or register of the weavers employed in the provision of the Company's Investment, in every pergunnah, specifying their places of abode, shall be fixed up by the commercial resident in the cutcherry of that pergunnah, and shall be corrected at the beginning of every week or month, according to the alterations that may have happened in the week or month preceding. The officers of the cutcherry shall give immediate permission for the exhibition of the list; and the commercial resident shall transmit a copy of it in the native languages, once in every three months to the judge of the zillah.

Persons procuring from weavers cloths made with the Company's advances, how to be proceeded against.

V. Persons procuring from weavers in the Company's employ, by the offer of ready money, or under the pretence of previous engagements which were not avowed, cloths really wrought for the Company, and with their advances, knowing such cloths to be the right of the Company, either by the mark upon them, or the transactions between the weavers from whom they procure them, and the Company, or having reason for such knowledge from the notoriety of such weavers being in the Company's employ, or discovering the same by the clandestine methods they take to obtain the cloths, shall be liable to be sued for damages in the court of adawlut, and on proof of the fact to its satisfaction, the court shall award to the Company such amount as may appear to it equitable, in addition to the cloths so obtained. But for purchases, openly and fairly made in the public hauts and bazars, the buyers shall not be liable to prosecution, unless the cloths have the Company's mark upon them.

No persons to use means to prevent individuals being engaged in the Company's employ.

VI. All officers of Government, proprietors and farmers of land, and dependant talookdars, under-farmers and ryots, and their agents and dependants, are enjoined not to hinder the commercial residents or their officers from having access to weavers, or other persons, in order to treat with them about the Company's business; nor are they to use any arts menaces or punishments, to deter weavers, or other persons, from accepting the Company's advances, under pain of being liable to be sued for damages in the court of adawlut.

No public officers or any individuals to behave with disrespect to the residents or their officers; nor to impede the business of the Investment, but to assist it to the utmost of their power.

VII. All officers of Government, proprietors and farmers of land, talookdars, under-farmers, and ryots, and their agents and dependants, are strictly prohibited from behaving with disrespect to the commercial residents or their officers; and they are required, on application from the commercial residents or their officers, to afford every assistance for the protection of the weavers and other persons employed by the Company, and the security of the Investment, that may be consistent with the powers and authority vested in them, and the Regulations.

Weavers in their capacity of ryots, to be subject to the same regulations as other ryots, with the exceptions hereafter specified.

VIII. Weavers employed by the Company, who may cultivate or rent land, shall pay the rent according to their pottahs, in the same manner as other ryots or renters, and under the same rules and regulations, with the exceptions hereafter specified as to the mode of demanding and enforcing payment of arrears of rent due from them.

Rules for the recovery of arrears of rent from weavers in the Company's employ.

IX. *First.* To prevent unnecessary interruption to the provision of the Investment, and at the same time that weavers and other persons employed in the provision of it may not withhold the rent justly due from them for land which they may rent or cultivate, the following Rules are prescribed.

Weavers, &c. in the Company's employ not to be summoned by any native concerned in the collection of the rents or revenue of lands.

Second. No weaver or other manufacturer, gomastah, or other officer or person, during the period he may be actually employed in the provision of the Company's Investment, shall be summoned to the cutcherry of any proprietor or farmer of land, or any native holding or entrusted with the collection of the rents or revenue of lands, under any pretence whatever. If any such persons shall have claims on such weavers, manufacturers, gomastahs, or officer, for or relating to arrears of rent, they shall either distrain for the amount, under Regulation XXVIII, 1803, or sue the defaulter for it in the court of adawlut, or state their claim in writing to the commercial resident, who, if the weaver or other person be then actually employed by the Company, may, if he shall deem it expedient so to do, cause him to satisfy the claim, or satisfy it himself, and stop the amount by kistbundy from his future advances, so that his labour, on account of the Company's Investment, may not be interrupted. But the cloth, thread, or advances belonging to the Company in the hands of such weaver or other person, shall in no case be liable for such demand, but shall be restored to the resident.

Such persons to be liable to the ordinary process, when their engagements have been fulfilled.

Third. The summary process for arrest and confinement, authorized by the six first clauses of Section XXXII, Regulation XXVII, 1803, is hereby declared not applicable to any persons who may be under engagements to the Company for any part of their Investment, or who may be actually employed in providing the same. When such engagements may have been fulfilled, however, or whenever any weaver or other person in the Company's employ may have satisfied all demands upon him on the part of the Company, he will be liable, in common with other under-tenants, to be proceeded against for arrears of rent, as authorized by the above Regulation, or by any other Regulation applicable to persons not in the Company's employ.

How summonses are to be served on weavers or her persons in the upany's employ who be sued in the Adawlut.

X. *First.* Persons instituting suits in the court of adawlut against a weaver or other manufacturer, or any officer or person employed in the provision of the Company's Investment, shall specify his being so employed in the bill of plaint. In such cases the summons, with a copy of the plaint, shall be enclosed to the commercial resident under a sealed cover, addressed to the resident, and superscribed with the official signature of the judge or the register. It shall be at the option of the resident to execute, or to cause one of his officers, or any person whom he may think proper, to execute the security required from defendants by Section V, Regulation III, 1803, and also the security directed to be taken by Clause Sixth, of Section VIII, Regulation X, 1803, for the fees of the authorized vakeel whom the defendant may entertain, or to leave the party summoned to find such securities; and in the latter case, if the officer of the court bearing the summons, where it shall have been transmitted by an officer, shall entertain any doubt of the responsibility of the security so offered, and the resident shall deem it to be sufficient, the officer shall accept the security. If the resident shall not think it proper to order any of his officers, or any other person, to become security, and the defendant himself shall not be able to find security which the resident may deem responsible, he shall cause the defendant to accompany the officer of the court to the court, or, if no officer shall have been sent with the summons, to appear in person before the court, that he may be dealt with in the same manner as other defendants not giving the required security.

Residents to empower persons to become security, and judges may transmit summonses to them.

Second. The residents shall empower the head officer at each of the different aurungs or kotees subordinate to them, and also an authorized vakeel of the court of adawlut, or any other person whom they may think it proper to station at the place at which the court may be held, to execute securities for the persons, and in the cases specified in the preceding clause. The residents will be careful to keep the judges furnished with a list of the persons so empowered, specifying also the place at which they may usually reside; and the judges are authorized, in instances in which they may deem it proper, either from the distance of the place of abode of the resident from the place at which the party summoned may reside, or other circumstances, to order the summons to be inclosed to one of the persons so empowered to become security, instead of transmitting it to the resident himself under the preceding clause, in which case such person shall proceed in the same manner as the resident is directed to proceed where the summons may be sent immediately to him.

How obedience to a summons is to be enforced if issued against a person employed in the Company's Investment without its having been so specified in the plaint.

Third. If any person shall prefer a suit in the court of adawlut against a weaver or other manufacturer, or any officer or person employed in the provision of the Company's investment, without specifying that the defendant is so employed, and the summons shall in consequence be ordered to be served on the defendant, in the same manner as on other defendants; the officer serving the same, upon the circumstance of the defendant being so employed being notified to him by the resident or any of his officers, or by the defendant himself, shall deliver the summons to the nearest person empowered to execute the securities in the cases specified in Clause First, whether the resident, or the head officer of an aurung or kotee, who shall proceed in the manner prescribed to the resident in that clause. If the officer shall receive the notification of the defendant being in the Company's employ, from the defendant only, and shall entertain doubts of his being so employed, or if he shall not entertain any doubt of his being so employed, but shall apprehend that he will abscond whilst he (the officer) is repairing with the summons to the person empowered to execute the securities, he shall, in such case, carry the defendant, with the summons, to the person so empowered, and shall not release him, until the required securities have been executed.

How warrants for bailable offences against persons employed in the Investment, are to be served.

Fourth. In cases in which a weaver or other manufacturer, or any officer or person during the time he may be actually employed in the provision of the Company's Investment, shall be charged before the magistrate with a bailable offence, the warrant shall be served in the manner directed in the preceding clauses with regard to summonses in civil cases, with this difference, that the warrant shall require the party summoned to appear in person or by vakeel, as the magistrate may think proper, and shall specify the amount of the sum for which the security or recognizance for the appearance of the defendant is to be given, and the amount of which shall be regulated by the magistrate, according to the nature of the charge, and the situation and circumstances in life of the defendant.

Return to be made on the back of summonses and warrants served as above directed.

Fifth. In all cases specified in the preceding clauses of this Section, the resident or head officer through whom the summons or warrant may be served, shall return on the back of it in what manner it has been served, and by whom the security has been executed.

Sixth.

Sixth. If a charge shall be preferred to a magistrate against any weaver or other manufacturer, or any officer or person employed in the provision of the Company's Investment, for an offence that is not bailable, and there shall appear to the magistrate sufficient ground for apprehending the person so charged, the warrant for his apprehension shall require him to appear immediately in person, and shall be executed in the same manner as upon persons not so employed. But the officer, after securing the offender, shall give notice of his apprehension to the resident, or the head officer of the nearest aurung or kotee.

Warrants for offences not bailable, how to be executed on persons in the Company's employ.

Seventh. The tehseeldars, in their capacity of local chief officers of police, and the darogahs of police, shall observe the rules prescribed in clauses fourth and sixth of this Section, in complaints that may be preferred to them against weavers, or other manufacturers, or officers or persons in the employ of the Company.

Tehseeldars and darogahs of police to observe the rules in clauses fourth and sixth.

Eighth. In all cases in which the residents, or their head officers empowered for that purpose, shall become security, under any of the clauses of this Section, for the appearance of any person employed in the Investment, or for the fees of his vakeel, or shall declare any person whom the party summoned may offer as security, to be responsible, the resident shall be considered personally answerable for the due performance of the conditions of the security, in the event of the party, for whom the security may be given, not performing them himself, or, where the party himself shall have given the security, and it shall have been declared responsible by the resident, or his head officer of an aurung or kotee, in the event of the party or his surety not performing them. It will accordingly be the business of the residents to take care to employ creditable persons only as head officers at the several aurungs and kotees to superintend the business, and become security, and to furnish them with proper instructions, and to take such security from them, as they (the residents) may deem sufficient to indemnify themselves for the consequences that may result from any abuse which such officers may commit in the exercise of their trust.

Residents and their head officers to be responsible for the performance of the conditions of the securities they may execute or approve.

Ninth. Summonses to weavers or other manufacturers, or officers, or any persons employed in the Company's Investment, as witnesses, shall be served in the same manner as if they were parties in the cause, but the judges will be careful not to summon such persons, excepting when their attendance shall be absolutely necessary, and on their appearance, to have them examined and dismissed with all practicable dispatch, so that they may be absent from the business of the Investment as short a time as possible.

How summonses on persons employed in the Investment when required as witnesses, are to be executed.

Tenth. The residents and their head officers are declared liable to be sued in the court of adawlut, should they apply any of the rules in the preceding clauses of this section, regarding summonses and warrants issued against persons employed in the Investment, to persons not bonâ fide so employed. And as the rules contained in those clauses are intended only to prevent unnecessary interruption to the Investment, where it can be avoided without impeding the course of justice, the judges and magistrates are empowered, in particular cases in which it may appear to them indispensably necessary for the purposes of justice, to order the personal attendance of any native officer or person in anywise concerned or employed in the Investment, whether he may be a party or a witness in the suit or prosecution, notwithstanding any thing that may be said to the contrary in those clauses, and to cause process to be executed on him for that purpose, in the same manner as upon other individuals; but, in such cases, the judges and magistrates shall record their reasons for deviating from the rules prescribed in the said clauses, which shall be considered as the general rules for issuing and executing such summonses and warrants, and in the summons or warrant they shall specify that it has been specially ordered to be so executed, in virtue of the discretionary power vested in them by this clause; and they are moreover strictly enjoined to refrain from every unnecessary exercise of this discretionary power.

Residents and their head officers forbidden to apply the above rules to persons not employed in the Company's Investment.

Discretionary power vested in the Judges and magistrates of causing the immediate attendance of all natives employed in the Investment.

Restrictions under which this discretionary power is to be exercised.

XI. All complaints of weavers against individual traders, and vice versa, shall be considered as matters of a private nature between the parties, who may have recourse to the proper courts of judicature, should they have any ground of complaint against each other for breach of engagements or other cause. The court shall decide according to the tenor of the engagements between the parties, if any engagements exist, and the Regulations. But where weavers are employed at the same time by more than one foreign or private agent, they shall deliver first to the previous contractor, and afterwards to the others, according to priority of engagements.

Transactions between private traders and weavers cognizable in the courts of Adawlut, the Judges of which are to decide according to the case and the Regulations.

XII. *First.* Decisions in favour of private merchants, or other individuals, against weavers who were in the employ of the Company at the time they entered with such private merchants or individuals into the agreements on which they are sued (their having been so employed being proved by the lists of the Company's weavers published at the cutcherries, and transmitted to the judge of the court of adawlut, as directed in Section IV. as well as by the dates of the respective agreements and transactions consequent to them) shall be made with a reservation to the Company of their claims on such weavers, which claims also are to be proved in court. And that this rule may be carried into effect, before execution follows at the suit of an individual against any weaver in that list, the Company's commercial resident shall be desired to state, whether such weaver was in the employ of the Company when the agreement on which he may be cast was made, as also whether the Company have any and what demand upon him, and to make proof of the same; which

Decisions in favour of private traders against weavers previously in the employ of the Company, to be made with a saving of their claims, which are to be first satisfied provided they be proved.

No. 10. Regulations and Orders, of the Bengal Government, respecting The Weavers.

being satisfied or secured, the sum decreed against him in favour of the individual shall next be made good from his property, but his person shall not be liable to attachment.

Second. The restriction contained in the foregoing clause, that the persons of weavers in the employ of the Company shall not be liable to attachment, in execution of decisions of the civil courts in favour of private merchants or other individuals, is not meant to restrict the confinement, under judicial process, of persons who may have satisfied all just demands upon them on the part of the Company, and who may not have taken new advances from the Company, or entered into new engagements with them, the fulfilment of which would be frustrated by the confinement of the contracting party. The several courts of justice will accordingly observe this explanation of the rule abovementioned in all cases to which it may be applicable.

Punishment for gomastahs, &c. changing cloths, and committing the offences herein specified.

XIII. Gomastahs, and all native servants and persons of whatsoever description, employed under the Company's factories or aurungs in the provision of their Investment, guilty of changing the Company's cloths; accepting of money from individuals for abetting or conniving at the alienation of them by the weavers; writing false balances in the Company's accounts; embezzling otherwise the property entrusted to them; or exacting money in any shape from weavers to whom advances are made; shall, on conviction in the court of adawlut to which they may be amenable, forfeit double the amount of the value of the property, or the money which they may have embezzled, alienated, or exacted; and shall be further liable to imprisonment for any term that the court shall judge proper, not exceeding twelve months; and upon the circumstances being represented by the Board of Trade to the Governor General in Council, he will, if it shall appear to him proper, declare the offender incapable of serving Government in any capacity.

Rules regarding weavers applicable to others providing goods for the investment.

XIV. All the rules in this Regulation, regarding weavers employed in manufacturing cloths for the Company, shall be considered to extend, in their principles and meaning, to the manufacturers and other persons employed in the provision of all other articles of the Company's Investment, provided within the provinces ceded by the Nawaub Vizier to the Honourable the English East India company.

Rules for residents trading on their own account.

XV. *First.* The following Rules are prescribed for the conduct of commercial Residents carrying on trade for themselves.

Resident to supply the Company's goods in the first instance.

Second. The resident shall supply, or ensure the Company's demands for goods, as far as the ability of his aurung will go, before he provides any for himself.

To distinguish the Company's provision from his own.

Third. He shall carefully and avowedly distinguish to the manufacturers between the Company's provision and his own.

Company's prices not to be made the standard of his own trade.

Fourth. He shall give them the price for which they may consent to deal with him, without making the Company's prices a standard for his own trade.

Not to use his official influence to make the manufacturers work for him in preference to others.

Fifth. He shall not make use of any influence he may possess, as the Company's representative, to induce the manufacturers to work for him, in preference to other dealers.

Subject to the same rules as private traders.

Sixth. He shall be subject to the same regulations, in case of disputes with manufacturers, as other private traders.

To deal on his own stock.

Seventh. He shall not take any commission for agents or others, but deal merely on his own stock as a merchant.

Not to trade in the name of another.

Eighth. He shall not carry on any trade in his aurung, directly or indirectly, in the name of any other person.

His goods not to be sold at his own aurung, nor sent to a foreign settlement.

Ninth. Whatever goods he shall provide of the produce of the aurung where he is stationed, shall not be sold there, nor sent to any foreign settlement, but shall be consigned to some other place, and if brought to any of the stations established for the collection of the Government customs, shall be registered in his name in the custom-house books.

To deliver an annual statement of his private trade to the Board of Trade.

Tenth. He shall state to the Board of Trade, by the 15th of December in every year, the gross amount of the money invested or to be invested by him on his own account, as nearly as he can judge of the same, from the 1st May preceding to the 30th April following, and the Board of Trade shall thereupon communicate to the Governor General in Council any remarks that may appear to them proper.

Residents and their officers liable to be sued in the Adawlut for breach of Regulations under the restrictions herein specified.

XVI. The commercial residents, and their native officers of every description, are declared liable to be sued in the court of adawlut by weavers or others with whom they may use compulsion to make them enter into the Company's employ, or whose names they may improperly insert in the list specified in Section IV, or whom they may not pay for their cloths or goods, according to the engagements entered into between them and the Company, or who may not obtain in due time a fair settlement of accounts, or who may suffer unjust exactions from peons put over them, or for any breach of this regulation, or any other regulation

regulation regarding the provision of the Investment, printed and published in the manner directed in Regulation I, 1805. In all such cases, whether the act complained of shall have been done by the resident or any of his officers, the party aggrieved, in the first instance, shall state his complaint to the resident, and in the event of his refusing to afford the required redress, or omitting to grant it within a reasonable time, the complainant may then sue the resident, whether the injury complained of shall have been done by himself or his officer. But the courts shall not receive any suit that may be preferred against a resident, or any of his officers, unless the complainant shall prove, to the satisfaction of the court, by oath, or by any other mode which the court may deem satisfactory, that he applied to the resident for redress, and that he refused to afford the redress required, or omitted to grant it within a reasonable time. Either party dissatisfied with the award or decision of a resident, or any complaint made to him under this section, may appeal from it to the court of adawlut.

Resident and his officers to defend suits instituted against them for a breach of the Regulations, at their own risk.

XVII. In suits instituted against a resident, or any of his officers, under the preceding Section, and where the act complained of shall not have been done pursuant to special orders from the Board of Trade, or the Governor General in Council, the party complained against shall appoint one of the authorized vakeels of the court to defend the suit at his own risk.

Residents may take upon themselves the defence of suits instituted against their officers.

XVIII. The residents may take upon themselves the defence of any suits which may be instituted against their officers, but, in such cases, the residents shall be answerable for the decree of the court, in the same manner as if the suit had been originally instituted against them.

Process issued against residents, how to be served.

XIX. When any process shall be issued by a court of civil judicature to a commercial resident, the judge or the register of the court shall transmit it, under a sealed cover addressed to the resident in the form of a letter, and superscribed with his name and official appellation. The resident shall immediately acknowledge the receipt of the process, by an endorsement to that effect on the instrument, and return it, under a sealed cover addressed to the judge or the register of the court from which it may have issued.

By whom decrees, costs and damages given against residents and their officers are to be made good.

XX. Where the board of trade shall approve of decisions given against the commercial residents, or their officers, in suits in which they may have been engaged in their official capacity, and which may not have been prosecuted or defended by them, pursuant to orders from the Board, or the Governor General in Council, they are empowered to make the resident, or his officer by whom the act complained of may have been done, responsible for the whole or any part of the costs and damages awarded by the decree, or of the decree itself, if, upon a consideration of the merits of the case, and of the conduct of the person against whom the decree may have been given, or the act complained of may have been done, they shall be of opinion that the Company ought not to be charged with all or any part of such costs or damages, or decree. But, in such cases, the person whom they may so determine to hold responsible, may appeal the cause at his own risk and cost.

Board of Trade may authorize an appeal from any decision passed against the resident or his officers.

XXI. If the Board of Trade shall be dissatisfied with a decree passed against a commercial resident, or any of his officers, in suits in which they may have been engaged, either with or without their orders, or the orders of the Governor General in Council, they may authorize an appeal from it under the regulations, in which case, the appeal shall be carried on in the provincial court of appeal, and in the sudder dewanny adawlut, (should the cause be carried to the last mentioned court) by the vakeel of Government, or by any other authorized vakeel of the court into which the cause may be brought, notwithstanding any thing that may be said to the contrary in any regulation passed on this date.

Security not to be demanded from residents or their head officers for their appearance, or costs or damages or decrees.

XXII. Security shall not be demanded from the commercial residents, or the head officers of aurungs or kotees, who may be empowered to execute securities for their personal appearance in any suit in which they may be engaged in their official capacity, nor shall security be required from them for the payment of costs or damages, or for the performance of the decrees or orders of the courts, as Government will be responsible for causing the residents to answer to such suits instituted against them, and to make good the decrees, and will hold them responsible for their head officers of aurungs or kotees answering to such suits preferred against them, and performing the decress that may be passed therein.

Residents and their head officer, not liable to prosecution for the acts of their predecessors.

What suits they are bound to defend after removal from office.

XXIII. The residents, and their head officers of kotees or aurungs, shall not be liable to prosecution for official acts of their predecessors. But persons who may be removed from a residency, or from the place of head officer of an aurung or kotee, shall carry on in the same manner as if they had continued in the office, all suits instituted against them in their official capacity, unless the Board of Trade, upon a consideration of the circumstances of the case, shall deem it advisable to order their successors to carry on the suits. This rule, however, shall not extend to suits in which a resident or head officer, who may have been removed, shall have been engaged in virtue of orders from the Board of Trade, or the Governor General in Council. All such suits shall be carried on by the resident for the time being, and at the risk and expense of Government.

Residents and their head officers allowed to forward instructions to their vakeels by the dawk, free of postage.

XXIV. To facilitate the communication between the residents and their head officers of aurungs or kotees, and their vakeels in the zillah courts, or the provincial court of appeal, and the sudder dewanny adawlut, who may be entrusted with the conduct of any suits or appeals in which they may be engaged in their official capacity, either whilst they may continue in the office, or after their removal from it, they are permitted to forward, free of postage, any instructions which they may have to transmit to their vakeels in those courts. The instructions shall be enclosed under a sealed cover directed to the vakeel. The instructions so sealed and directed, shall be transmitted under a sealed cover, addressed to the register of the court in which the cause may be depending, and subscribed with the name and official appellation of the person dispatching it, or that which he bore when the cause of action arose. The register of the court, immediately on receiving the instructions, shall deliver them sealed to the vakeel to whom they may be directed. In like manner, the vakeels in any of the courts to whom the pleading of such suits or appeals may be committed by commercial residents, or their head officers abovementioned, are authorized, either whilst their constituents remain in such office, or after they shall have been removed from it, to forward any papers which they may have to convey to their constituents by the public dawk, free of postage. The papers shall be enclosed in a cover sealed with the seal of the vakeel, and the judge, or the register of the court, shall transmit the papers so sealed, in a cover sealed and addressed to the person to whom they are to be forwarded, and superscribed with his official signature.

Instructions to be sealed and inclosed under a sealed cover, addressed to the register of the court, who is to deliver them sealed.

The vakeels may in like manner forward instructions to their constituents through the register.

Cases in which the Board of Trade are to take upon themselves the prosecution or defence of suits or appeals.

XXV. In cases in which the Board of Trade may judge it expedient, or in which they may receive orders for the purpose from the Governor General in Council, they shall take upon themselves the superintendence of the prosecution or defence of any suit or appeal in which they or their officers may be engaged, either in a zillah court, or in the provincial court of appeal, or in the sudder dewanny adawlut, instead of leaving the superintendence of the conduct of the suit or appeal to the resident, or any of his officers.

Residents and their head officers not to derive any advantage from suits.

Nor to sustain any loss if their conduct be approved.

XXVI. Neither the commercial residents, nor their head officers of aurungs or kotees, shall derive any advantage whatever from suits in the courts of justice in which they may be engaged, or in anywise concerned in their official capacity. On the other hand, it is not intended that the residents, or their abovementioned officers, should sustain any loss in consequence of such suits, where their conduct may be adjudged to be conformable to the Regulations, or may be approved by the Board of Trade, or the Governor General in Council. The commercial residents, and their head officers of aurungs or kotees, will accordingly bring to the credit of the Company in their accounts all sums whatever that may be adjudged to them by any of the courts of justice, and will note, at the foot of their accounts, or in a separate account, or under a distinct head in their accounts, according as the Board of Trade may direct, all sums which they may disburse, or be adjudged to pay on account of suits in which they may be engaged, or be concerned in their official capacity; but no such disbursements or payments shall be considered as passed to the debit of the Company, until the previous sanction of the Board of Trade, or the Governor General in Council shall have been obtained for that purpose; and until such sanction shall be procured, the residents or the officers making the disbursements or payments, will be held answerable for the amount.

Sums disbursed by residents and their head officers, not to be carried to the debit of the Company, without orders from the superior authorities.

Rules regarding commercial residents applicable to their assistants or other servants entrusted with the business.

XXVII. The rules in this Regulation respecting commercial residents, shall be considered equally applicable to their assistants having the charge of the business, or to any other person being a covenanted servant of the Company, and entrusted with the superintendence of the provision of goods for the Company's Investment at any aurung, whatever may be his official appellation.

Natives aggrieved under this Regulation by special orders of the Governor General in Council, or the Board of Trade, how to obtain redress.

XXVIII. If a weaver or manufacturer, or any native employed in the provision of the Company's Investment, shall deem himself aggrieved by any act done in opposition to this Regulation by a commercial resident, or any covenanted servant of the Company having the charge of the business of an aurung, pursuant to special orders from the Board of Trade, or the Governor General in Council, he will be at liberty to seek redress in the mode prescribed for such cases in Section XV, Regulation II, 1803.

No. 10.
Regulations and Orders, of the Bengal Government, respecting The Weavers.

Reg. IV. 1802.

A.D. 1805. REGULATION IV.

A REGULATION for extending to the Province of Benares, Regulation XXXI, 1793, entitled, "A Regulation for re-enacting, with modifications and amendments, "the Rules passed on the 23d of July 1787, and subsequent dates, for the conduct "of the Commercial Residents and Agents, and all Persons employed or concerned "in the provision of the Company's Investment;" and also, for exempting from duty all goods and articles provided in the Province of Benares, on account of the Investment of the Honourable East India Company.—PASSED by the Governor General in Council, on the 25th April 1805; corresponding with the 14th Bysaack 1212 Bengal era; the 12th Bysaack 1212 Fussily; the 14th Bysaack 1212 Willaity; the 11th Bysaack 1862 Sumbut; and the 24th Mohurrum 1212 Higeree.

WHEREAS it has hitherto been the practice to provide the Investment of the Honourable the East India Company in the province of Benares, by purchasing the goods brought for sale by the manufacturers with ready money; or by contracts made with native dullols, or dustooreeas, for the provision of the goods; instead of making advances to the manufacturers, for the provision of goods of specified dimensions, and of a certain quality; in the manner observed in the provinces of Bengal, Behar, and Orissa; And whereas the adherence to the said system has operated to prevent the desired improvement of the fabrics, and to render the provision of the requisite quantity of goods uncertain: And whereas, by making advances to the manufacturers for goods of the required quality and dimensions, under the rules contained in Regulation XXXI, 1793; and by extending the said Regulation to the province of Benares, the commercial officers of the Company will be enabled to effect the desired improvements in the quality of the manufactures; and to ensure the punctual delivery of the required quantity of goods; and the Company, the weavers, and other manufacturers, and the private traders of every description will, under the protection of the laws, be secured in their just rights, in the transaction of their respective concerns; according to the tenor of the agreements under which such concerns may be conducted: And whereas the objections which formerly existed against the exemption of the goods, provided on account of the Company's Investment, in the province of Benares, from the payment of duties at the custom-houses within that province, have ceased to exist, in consequence of the agreement concluded on the 27th of October 1794, with the Rajah of Benares, regarding the appropriation of the surplus revenue of the said province; THE following RULES have been enacted, and are to be in force in the province of Benares from the date of their promulgation.

Regulation XXXI, 1793, extended to the province of Benares; with alterations and modifications, regarding weavers and others applicable to Benares.

II. The Rules contained in Regulation XXXI, 1793, are hereby declared to extend to the province of Benares, with the alterations and modifications regarding the weavers and others employed in the provision of the Company's Investment, contained in Regulations V, 1800, and IX, 1801; as far as the same are applicable to the province of Benares.

providing goods for the Investment contained in Regulation V, 1800, and IX, 1801, as far as they are

Rowannahs to be taken out for the Company's Investment; such goods not liable to duty.

III. Commercial residents or agents, and others employed to provide goods for the Honourable Company's Investment, shall take out rowannahs to accompany the goods, which are to pass a custom-house station. Such rowannahs shall be granted upon official application for them being made in writing to the collectors, but no customs commission or fees shall be levied on such goods.

To the Honourable The Court of DIRECTORS for the Affairs of The East India Company.

HONOURABLE SIRS,

ACCORDING to the intimation which I lately took the liberty of giving, I have now the honour to submit to your consideration, a tract which bears upon a subject pressed by repeated proposals on your attention, namely, the communication of Christianity to the natives of our possessions in the East.

That this is a question of importance, will hardly be denied; and from the numerous letters which have been addressed to the Court, in favour of such communication, as well as from the share of general regard now bestowed on subjects of that nature, it appears to be a question on which an explicit determination, on the part of the Company, is become necessary.

It is therefore in different views, worthy of a full and candid discussion; and such I have been solicitous to give it, actuated solely by motives of duty, arising from the several relations in which I find myself placed. For, in becoming an advocate, as I profess myself to be, for making known to our Asiatic subjects, the pure and benign principles of our divine religion, I not only pay that obedience which is due to its authoritative injunctions, but, in my sincere opinion, highly consult the true interests of the Company, and the general welfare of the many millions living under its government. Nor can I doubt, that this will be the verdict of serious deliberation, however a hasty view of the subject, under some of its aspects, may have unnecessarily excited alarm.

In earlier periods, the Company manifested a laudable zeal for extending, as far as its means then went, the knowledge of the Gospel to the Pagan tribes, among whom its factories were placed. It has since prospered and become great, in a way to which the commercial history of the world affords no parallel; and for this it is indebted to the fostering and protecting care of divine Providence. It owes therefore, the warmest gratitude for the past, and it equally needs the support of the same beneficent Power in time to come; for the "changes and chances" to which human affairs are always liable, and especially the emphatic lessons of vicissitude which the present day has supplied, may assure us, that neither elevation nor safety can be maintained by any of the nations or rulers, of the earth, but through Him who governs the whole. The duty therefore of the Company, as part of a Christian community, its peculiar superadded obligations, its enlarged means, and its continual dependence upon the divine favour, all call upon it to honour God, by diffusing the knowledge of that revelation which he has vouchsafed to mankind.

In urging this momentous work however, I wish to be clearly understood, as connecting with the formation and execution of any scheme for the performance of it, every prudent care, every just precaution, which may be suitable to the nature of the undertaking, and to the wise, humble, mild spirit of that religion which is to be recommended. At present I presume to offer no specific proposal, contending only for the general principle; but if that is recognised, I shall be most ready to submit the ideas I entertain of the manner in which it might be safely brought into operation.

If the considerations already adduced, did not sufficiently guard me against the censure of launching beyond the ordinary lines of business, I might justly plead, that the office which you, Gentlemen, exercise, and which I have the honour to hold in common with you, summons, not unfrequently, your attention to subjects of the highest

highest nature,—to the principles of government, and the interests of nations; subjects upon which, having mentioned them, I may be permitted to observe, that even a deliberative voice, though to that you are not restrained, attaches a trust of great importance to the station of a Director.

But with respect to the execution of the treatise which is now offered to your perusal, I am sensible that I need the utmost indulgence. Incapable at best to do justice to the several topics which it embraces, I might yet in India, the centre of materials and information relating to them, have produced something less unworthy of notice; but though I held there the leading opinions now advanced, no idea of giving any publicity to them, by writing, ever occurred to me, until after my return to this country, when persuaded of the expediency of some attempt of that kind, and incited by a particular occasion, I several years ago, hastily drew up the substance of the present essay. It has however since lien by me unused, and my other avocations have allowed me only to revise it, not to form a new work, as would certainly have been desirable. To meet a variety of opinions, and to fortify the argument which is maintained in it, many things are introduced which must be already known to you, and indeed things which in my own first views, I should have deemed superfluous; for according to my apprehension, the main question is so clear as to need little auxiliary illustration. Under all these disadvantages, however, I am content to come forward, at the call of a greater interest, forming no pretension to literary merit, nor having on that score, any higher hope, than that you may be pleased to receive this tract on the footing of one of those many *Papers of Business*, with which the records of your governments have been furnished, by the observation and experience of men whose time and thoughts have been chiefly employed in the concerns of active life.

I have the honour to be, with the greatest respect,

GENTLEMEN,

Your most obedient humble Servant,

East-India House,
August 16th, 1797.

CHARLES GRANT.

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CHAP I.

Introduction—including a brief Review of British *Territorial Administration in* The East.

CHAP. I. *Introduction: British territorial Administration in The East.*

WHATEVER diversity of opinion may have prevailed respecting the past conduct of the English in the East, all parties will concur in one sentiment, that we ought to study the happiness of the vast body of subjects which we have acquired there. Upon this proposition, taken as a truth of the highest certainty and importance, the following Observations, now submitted with great deference, are founded.

He who ventures to propose a plan which has an air of novelty, at a time when the wildest fanaticism in politics and philosophy is pursuing, with impious and inhuman success, the indiscriminate subversion of received principles and existing establishments, labours under peculiar disadvantages. Truth however, and reason, always the same, are not to be abandoned because they may sometimes be perverted and abused. Of late they have been perverted and abused in a way new in the history of the world. The writer of these observations holds the spirit that has thus broken forth, in the utmost abhorrence, and would stand at the remotest distance from its influence. His aim is to promote the peace and happiness of men, by pacific and rational means, and where he is compelled to speak of past or present errors and defects, he mentions them with no disposition to censure, but solely with the view of doing good. He trusts, that if the opinions which he delivers, and the measures which he recommends in the subsequent pages, be patiently and impartially considered, they will neither be found inconsistent with right principles, nor pointing to any other than the most beneficial consequences.

Although in theory it never can have been denied, that the welfare of our Asiatic subjects ought to be the object of our solicitude, yet in practice, this acknowledged truth has been but slowly followed up, and some of the inferences which are deducible from it, remain, as it should seem, still to be discovered. Of late undoubtedly much has been done, and excellently done, to improve the condition of our subjects in the East; yet upon an attentive examination it may perhaps be found, that much still remains to be performed.

It is now five-and-thirty years since the English East-India Company, and through that Company the British Nation, acquired an extensive political power in Hindostan. Some time before this period, they had been compelled by the ambition of the *A. D.* 1757. French, to take a part in contests which had arisen among the Mahomedan Princes on the Coromandel Coast; for the representatives of that nation, the first among the people of Europe who conceived the design of procuring a dominion out of the broken empire of the Moguls, pursued their object by entering systematically into the politics of the Decan, and becoming hence the ally of one of the parties contending for the possession of the Carnatic, the English who foreseeing the success which would probably attend the unchecked prosecution of this ambitious enterprize, and in the consequent aggrandizement of their rivals, the ruin of their own commercial establishments, espoused the defensible pretensions of the other side. In this struggle they were finally victorious; they gave a Nabob to the Carnatic, who continued to depend upon them; and were thus advanced to a certain degree of military and political importance in the eyes of the natives of that part of India. But that prince was left by treaty in full possession of the internal government of his territories, and exercised all the powers of sovereignty over the people of them. The only pos-

Mr. Grant's State of Society among the Asiatic Subjects of Great Britain.

session which the English retained for themselves, was a narrow tract of land along the Coast of Coromandel, chiefly in the vicinity of their principal settlement of Madras.

Bengal was destined to be the seat of British empire in the East. The first military operations however of the nation in that province, instead of being prompted by views of conquest, were employed solely for the defence of their principal factory, suddenly, when they thought only of the peaceable pursuits of commerce, wantonly attacked by the Nabob of the country, the recent successor of an usurper, with a numerous army. The English of Calcutta, having neither men nor means adequate to this unexpected service, fell an easy prey, and the survivors of the barbarous scenes then exhibited, were driven from their plundered settlement, and, destitute of every thing, forced to seek a wretched refuge on the water. At this crisis, the warfare and the political transactions into which the English had been led in the Carnatic, appeared of new importance. By the result of them, the government of Madras was itself in a condition to assert by arms the right of the Company and the Nation, to the settlements of which they had been dispossessed in Bengal, and to seek a compensation for the immense property of which they had been despoiled.

That right was unquestionable; it was derived from the lawful sovereign of Hindostan, when the empire was in the zenith of its power, and had long been quietly enjoyed. The struggle made for the recovery and security of it, which was on our part self-defence, ended in the ruin of the aggressor; for after once breaking with us, he never thought himself safe until we should be extirpated. Fresh plots for our destruction soon terminated a pacification, in which he had never been sincere; we were reduced to the alternative of suffering extirpation from our just and ancient possession, or maintaining by force our footing in the country against the oppressive ruler of it; and a handful of foreigners driven to this extremity, accepted the offers of confederacy, which his sanguinary tyranny impelled some of the principal persons living under his government to make, for his deposition, and the substitution of another Mussulman in his room. Perhaps the rigid casuists might not choose to defend the expedient of facilitating the progress of our arms, by leaguing with the subjects of the Nabob, imminent as our danger and theirs was. This point must be left to be tried upon its own merits; but whatever decision may be passed concerning it, two things are in fairness entitled to attention in the general consideration of this subject:—First, that it is probable the Company and the Nation, had they remained without confederates, never would have submitted to be wantonly stript of valuable rights; therefore the maintenance of them, with further accessions of force derived from their own resources, might have produced the discomfiture of their enemy, and by an easy consequence, his loss of power:—Secondly, that the confederation into which the English entered was no part of their original plan, but an incidental circumstance in the sequel of hostilities.

From this circumstance however, viewed in the most unfavorable light, prejudice has taken occasion to characterize the whole of their transactions of that period; and the French, who as has been said, first of the European nations, conceived the scheme of Indian war and conquest, and whose game of wanton ambition ended in the loss of all their possessions in the East, have not failed to describe the revolution in Bengal as originating in our lawless lust of wealth and dominion. Many of the inflammatory misrepresentations which envious disappointed rivalship has prompted them to make, our own countrymen have precipitately adopted, not examining whether, in their readiness to testify an abhorrence of injustice towards the natives of India, they were not inadvertently contributing to do injustice to the character of their own nation. But as in any serious inquiry into the duties which we owe to our subjects in that country, men of correct principles will naturally be led to carry back their view to the first steps by which we acquired power there, it is hoped that some brief elucidation of so important a question, both here and as it may come again into notice in the course of this essay, will be deemed no irrelevant digression.

By the deposition of Surajah Dowlah, the provinces which he had ruled, fell first under the control of the English, and subsequently under their immediate management. They acquired also among the conquests made from the French soon after this revolution, a tract of country on the Coromandel Coast, called from its relative situation, the Northern Circars; and at a later period, the celebrated district of Benares was annexed by cession to their possessions on the Ganges. These countries, thus acquired, and now held in full property by the British Nation, joining with them

Bombay

Bombay and Salsett, are reckoned by that able geographer, Major Rennel, to contain 182,000 square miles, that is 50,000 square miles more than are, according to him, contained in Great Britain and Ireland; and the population of these extensive regions may be estimated at about fourteen millions*. Besides these absolute acquisitions, the fertile territory of Oude, with its appendages, is to be reckoned among the states dependent on the British power, which are governed internally by their own princes; and all the territories which come under this description, are by the same author, computed to contain nearly 100,000 square miles. Supposing their population to be in proportion less than that of Bengal, it may be allowable to state it at six millions. The conquests lately made in the Mysore Country and on the Malabar Coast, are to be added to the account of the territorial property of the British Nation. They have not been directly comprehended in the foregoing enumeration, because it is intended to speak chiefly upon the authority of time and experience; but the observations which these suggest, respecting the people with whom we are already acquainted, will doubtless equally apply to those of the same race and principles, who are recently become our subjects. The number of these last may perhaps be estimated at two millions. Thus the whole aggregate of Asiatics who depend immediately and solely upon us for every comfort and happiness of good government, amounts to sixteen millions†; and those who indirectly and partially depend upon us, by living under princes subject to our control, and therefore considerably under our influence, if we chose to exert it, even in matters of interior regulation, amount, as has been stated, to six millions. Such a charge as this, a charge of no less than two-and-twenty millions‡ of people, must be allowed to be one of the most weighty and serious nature, as it constitutes also one of the largest divisions of the power which is distributed among the rulers of the earth.

What then has been the effect of our administration upon the countries which have thus fallen under our dominion? This is no unfair inquiry, nor is it proposed invidiously, but as having a relation to the main design of the ensuing pages; neither shall it be pursued upon conjectural positions or by problematical reasonings, but rested on the broad basis of general facts, many of which stand conspicuous in the records of our Indian transactions. That the same topics have already been handled by persons of distinguished situations, and especially that abilities have been employed upon them far transcending the humble pretensions of the present writer, would invincibly determine him to abstain from treating of them, if his design did not impose this task upon him, and impose it with a view which other writers have not exactly proposed to themselves. Happily this undertaking calls not for the powers or the details of regular history; nor on the other hand would it be answered by the exhibition of mere results, which would carry more the air of assertions than of facts. Facts therefore so far circumstantiated as to be seen in their truth and their connection, it will be his endeavour to trace with simplicity, and with moderation.

The account of our territorial management in the East, or of the internal exercise of our power in those countries which are now held directly by us, may be conveniently arranged into four distinct periods, of which it will be sufficient here to sketch the prominent features; and as Bengal with its appendant provinces forms both the main portion of our possessions, and the scene of our greatest exertions, experience, and progress, *that division* shall be the subject of our present brief review, with only such concluding notice of the other parts, as may serve to indicate the state to which they have hitherto advanced.

A. D. 1757 to 1765.

In the first period, comprehending eight years, from 1757 to 1765, the provinces (excepting a few districts ceded to the Company in the course of that time, with the sanction of the Mogul Emperor) were continued under the government of Nabobs, to whom the administration of civil and criminal justice, the collection of the revenues, and the general powers of internal superintendence and regulation, were left. The English reserved to themselves the direction of foreign policy, a controlling military power, a considerable tribute, and advantages in trade more extensive than the grants of the Emperors, or the past usage of the country, had conceded to them.

The

* The latest estimates would make Bengal, Behar, and our part of Orissa, to contain at least twelve millions. If they do, the whole population of these different possessions may amount to sixteen millions.

† Or according to the preceding note, eighteen millions.

‡ Or according to the same note, twenty-four millions.

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The circumstances of the first revolution seemed to dictate such a division of power; of which, the share vested in the Nabob, is usually called in the writings of that time, the *Country* or the *Native Government*, as when the mass of both divisions, or the complex power, Native and European was spoken of, it was termed (sometimes in a way of censure) the *Double* Government. To this arrangement the orders of the Company seem to have at first restricted their servants, who if they had felt themselves more at liberty, would perhaps have deemed it unsafe or inexpedient to enter at once upon the direct charge of a government, to the details of which they were entire strangers.

But plausible as the system, viewed in some lights, appeared, it proved in practice, unsatisfactory to all parties, and especially detrimental to the people. The Eastern governments are in general careless as to the interests of their subjects, and this is particularly true of Mahomedan rulers. The Nabobs created by the English in Bengal, foreign adventurers suddenly raised to power, dependent, suspicious, and rapacious, could have little concern for the lasting prosperity of a country, with the government of which, their connection was so casual and precarious. Whilst they saw with secret indignation the chief attributes of sovereignty in the possession of a handful of commercial men, every way alien to the Asiatic world, and so large a share of the riches of the country, devoted through them to a distant land; whilst they believed also that the favour of these people was uncertain, they could scarcely have any other aim, than to use the time present in making the most of their situations.

And indeed such seems to have been the temper of the other princes more remotely placed, who were stiled the allies, but who in reality were the dependents of the East India Company. Feeling that the same power which supported could also dispossess them, and habituated by the whole history and the manners of Hindostan to the ideas of perfidy and of change, they could have no settled confidence in the solidity of their tenures, but be on the contrary indisposed to that study to which Eastern rulers at the best need a stimulus, the permanent good of their subjects. Asiatics, accustomed either to absolute command or implicit obedience, do not seem well qualified to make a beneficial use of delegated or mixed power. The policy of our dependent allies has in general been directed only to secure themselves in their situations: it has been their aim to please the immediate arbiters of their fate, and they have found either sagaciously or by incidental discovery, that even running largely in debt is one means of interesting many in the stability of their government. But this policy is pursued at the expense of their subjects, and the people, both of Arcot and of Oude, are with too much foundation represented to be in a wretched condition. A state of dependence seems also to unfit or indispose the princes who stand to us in this relation, for any vigorous co-operation in the external defence of their own territories. Perhaps that species of protection to which they have been used, has enervated them, made them unwilling to contribute the funds requisite in such cases, and persuaded them that the English will not suffer those countries of which they are in effect the paramount lords, to be possessed by any other power. Another evil, more formidable possibly than our experience has yet discovered, flows from this system; it enlarges the sphere of advantage to the servants, especially the military servants of the Company, it enlarges the military establishment, military emoluments, and perhaps encourages, in its consequences, the spirit of military independence. The experience we have acquired, may probably establish an opinion of the impolicy of forming any new connections of this nature; but with respect to those which already subsist, as it is our power which maintains the authority of our dependent allies over their subjects, it seems incumbent on us to exert every possible endeavour, consistent with the just sense and faith of treaties, that the governments which we thus uphold may render the people easy and happy.

Where the controlling power of the English and the derived power of the dependent Nabob met in one place, as in Bengal, they could not long exist together without collision. The unwilling submission of the weaker party, and the dominating temper of the stronger, soon became too plain; mutual distrust and aversion succeeded; the excesses of individuals inflamed the animosity on each side, and the country became the unfortunate scene of war. The cruelties, the rapacity, and the expulsion of Cossim Ali, whom an unhappy policy had elevated to power, are sufficiently known. Whether we ascribe his conduct to unprincipled ambition, or the licentious encroachments of Europeans and their dependents upon his proper authority, or with more probability

probability to both of these causes, and the maddening effect of events hurrying him to lengths he had not deliberately purposed, it still exhibited this striking spectacle, the English obliged to fight with the creature of their own power, for the continuance of that power, nay even for their existence in Bengal; and the country, instead of being better protected under co-existing authorities, suffering grievously by both, and in their shock convulsed and torn. What had thus happened, however blameable the cause, might happen again; and this experience purchased at so dear a rate, naturally led the way to the acquisition of the Dewannee of Bengal, Behar, and Orissa.

A. D. 1765. This may be considered as a point at which a second period of territorial management commences. The Dewannee is the office of the Dewan, the title of the provincial collector of revenues under the Mogul Emperors, whose policy it was to place the financial administration of the several divisions of the empire, in hands distinct from those entrusted with military command and judicial authority.

The adventurers who upon the decline of the empire, assumed the powers of government in the provinces, assumed also the exclusive administration and appropriation of the revenues, as most essential to their views. The rights of the reigning emperor however, though disregarded, had never been denied. He was induced, in consideration of an annual tribute to himself, and a handsome stipend to the reigning Nabob, who was also a party in this treaty, to grant in perpetuity to the East-India Company for their own benefit, the Dewannee, that is in other words, the revenues of those three provinces. He had not at that time, nor was likely ever to have the least power to assert his rights; his bestowing that grant therefore, on the condition of an ample compensation, was making the most advantageous use he possibly could make of his pretensions. No other power in Hindostan would have given him such favourable terms; and his consciousness of this led him voluntarily to propose a cession of the Dewannee. It is thence to be concluded, that in this transaction he was guided chiefly by the exigencies of his own situation; for his remote distance from the seat of the Company's government must have rendered their influence over him proportionably weak. But at the same time it ought to be acknowledged, that the subsequent proceeding with him, by which the payment of the stipulated tribute was discontinued, appears to be of a more dubious character. This remark also is interjected for the sake of those who question the principles on which our acquisitions have been made.

The Company having before held a controlling military power, were thus put in possession of the finances of the country, which as an immense estate they were henceforth to manage, and to manage for themselves. The collection of the revenues there is known to have been till of late a business of extreme intricacy and detail; the causes of which have been explained in a variety of masterly productions, particularly the excellent writings of Mr. Shore* on this subject; into which, however, it will not be necessary to go farther here than the statement of certain usages which form the first lines of the Indian system of finance. In Hindostan, far the greater part of the revenue of the sovereign arises from land; and it has long been the universal practice to form the assessment of government upon the actual produce of the soil, and to do this annually. Not unfrequently the share of government has been paid in kind. In like manner the land-holder regulates the rent of his inferior tenant annually, and according to the value of the articles which he raises, whether rice, cotton, sugar, or any other of the many productions which the soil furnishes. It will easily be perceived, that this system as it naturally leads to concealment on the one side, requires a constant course of vigilance and laborious local investigation on the other, in every rank of persons employed in the revenue, from the first officer to the lowest farmer of a village. Again, the sovereign is arbiter of the share which he himself shall enjoy of the produce; and though anciently his proportion seems to have been moderate, in modern times it has usually been very large. Despotism being the principle of government, force is the real, though sometimes latent instrument which procures acquiescence in his allotments. Without a compulsory power, ever ready to act, little revenue would be obtained. Arbitrary demand, peremptorily enforced on the one hand, sharpens all the arts of evasion, concealment, and fraud, on the other.

Since

* Now Sir John Shore, Governor-General, in which high station he has largely added to the important services he had before rendered to the Company.

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Since the fall of the Mogul Empire especially, and under the Asiatics, Hindoos, or Mahomedans, who have usurped power, the business of collecting the revenues has been a most debasing struggle between the superior and inferior in every gradation. New taxes upon a thousand pretences, often false and preposterous, have been imposed even in direct breach of agreements before made. The revenue officers of every rank, have exacted for themselves besides collecting the demands of government; and from this fruitful source of injustice, severity, chicane, and meanness, have flowed innumerable evils to the community. Want of principle in the landholders and occupants of the soil, has led the government to give them as little credit for their rents as possible; so that payment may in some places be required at the end of every month, or more often, by eight instalments in the year. From the inferior occupants of the soil, care is taken to secure arrears before the crops are removed from the ground, for otherwise from the property and artifices of that description of persons, those arrears will generally be in effect lost; because if they are recovered at a future period, it is in reality by an application of the produce of a new year, which having its own exigencies, will thence probably also owe a balance at the close. And as hence the necessity of summary proceeding with the renters has been pleaded, their complaints have not been allowed to suspend the payment of the demand on them; but this unremitting exaction has afforded the agent the opportunity of keeping his own malversations covered.

These elucidations may convey a faint idea of the vast detail and attendant difficulty of the Indian system of finance; notwithstanding the apparent simplicity of its fundamental principle*; but they also suggest that the power which enforces the payment of the revenues, as it is operative at all times and comes home to all persons, must be the first in the consideration of the people †.

The Company therefore were now not only to reap the produce of the country, but were virtually invested with the interior government of it, none of the prerogatives of dominion remaining to the Nabob ‡, excepting the judicial power which was attended with no political importance. It was not however the policy of their servants, nor did they at first think themselves able to exercise all this power; but in entering upon their new privileges they made use of ministers who had served the Nabob in the affairs of the revenue. The people were taught henceforth to regard the Company as their masters; but they were treated with through the medium of the same persons with whom, as agents of the Nabob, they had before transacted. No Englishman was employed in the districts, or in the details of the collections, that is to say of the Dewannee lands §. The Mahomedan and Hindoo ministers of the revenue managed the whole, appointing all the subordinate officers, laying their general schemes of assessment before the principal servants of the Company, reporting to them the state of the collections from time to time, and disposing of the money received into the exchequer, according to their orders. The only persons who in the districts represented the Company in the exercise of the new powers they had acquired, were the same persons who on behalf of the native government exercised the like powers in them before; nevertheless, the effects of this change, besides the transfer of the financial rights and profits of the country to new hands, were many and important.

The

* The most methodical and full exposition extant of the Mogul system of finance is to be found in the *Analysis of the Revenues of Bengal* by Mr. *James Grant*, a work which though it ought to have been set on foot by government at the moment of acquiring the Dewannee, was never attempted till he, from private curiosity, entered upon it many years afterwards, when the obtainment of accurate information on such a subject was become peculiarly difficult. In this elaborate treatise, he has developed with minute detail, both the principles of the Mogul system of finance and the sources and amount of the revenues collected from every division, great and small, of the soubah of Bengal, as well in remote periods as in the year preceding the assumption of the Dewannee. It contains a more complete account of the lands of Bengal than that rendered to our government by the native ministers in 1765, but is little known, being in manuscript among the records of the Company, and too much loaded with technical and involved language, the fundamental principle also of the Mogul system of finance having since been superseded in our practice; but it is the product of extraordinary disquisitory powers employed upon a curious and interesting subject.

† Strictly speaking, it must be supreme. The power of the Emperor went along with his Dewan. The English possessed the Dewannee only because they had power (which was not used before) to assert the grant.

‡ Who was the descendant of Jaffier Ali Khan, the first Nabob raised by the English, with whom a treaty had been made, in virtue of which, the succession was continued in his family.

§ Some districts, as observed above, were by cession before in the hands of the Company; who also had possessed commercial factories in the provinces above a century.

The wants and desires of the Company at home seemed to grow with this immense acquisition. Their servants abroad were suspicious, and not without reason, that all the sources of revenue might not be fairly disclosed to them; and they were alarmed lest the amount of it should decline under their management. The progressive accessions of the Company also enlarged the views of every European in the provinces, and of the native dependents of Europeans. Power was not, as in the former system of government, inherent in one person only, but in many persons, all of whom therefore it invested with a portion of its consequence. The native ministers of the revenue wished to gratify the eager views of the Company, and to conciliate the general favour of the English. They had likewise their own interests and their numerous dependents to serve, and to serve whilst opportunity lasted; but whatever extraordinary funds they might with these aims seek to possess, as all parties concurred in the urgency of keeping up the standard of the public income, the only means left them, exclusive of the salaries they enjoyed, were private imposts, monopolies, or appropriations of one kind or another; and if, as has been affirmed with great appearance of truth, certain portions of the government lands were omitted in the accounts presented to their new masters, the burthen upon the rest must from this cause, as from others, have fallen the heavier.

Difficulties began to be experienced in realizing the assessment. A set of coercive officers or rather farmers of the revenue were employed in the districts to ensure and quicken the payment. These men, chiefly adventurers from Tartary or Persia, executed their business rigorously. Unfeeling and rapacious, uncertain of holding their employments beyond the year, they lost no time in amassing money for themselves; and the Zemindars, or principal land-holders, made every extraordinary demand upon them, the ground of still more excessive demands upon the inferior tenants.

Compulsory measures came also to be used in providing the investment of the Company. As the new wealth poured into their treasury could be realized in Europe only by the medium of commerce, the orders for that investment were at once augmented two or three fold. The produce of every country and the demand for that produce having a certain relation to each other, it was impossible that the funds now destined for the purchase of commodities on account of the Company, could be invested at once without extruding private merchants. European individuals also, confident now both of protecting and controlling their native agents, employed them in trade all over the country; and the foreign European companies and their dependents, availing themselves of the substitution of the milder genius of English rule, for the prompt despotism of the Mahomedans, every where encreased their pretensions and activity. The manufacturers were not unfrequently obliged to accept the English Company's employ, and even those private agents required a preference to other traders. Some of the native dealers retired. Both natives and foreigners, especially those attached to the other European companies, complained; though the latter not always reasonably nor temperately; and in a word, violence and disorder became too prevalent.

Wherever the native agents of the English traders went, they assumed power; they interfered in the affairs of the country, and even in the proceedings of the courts of justice, which the Company still left solely under the control of the Nabob. These courts, which ought to have been the sure refuge of the oppressed, were before systematically venal, and in a time of divided power and general relaxation, were become so scandalously corrupt, as to constitute one of the most intolerable evils under which the country groaned.

All these causes operating with the energy of a new revolution, produced a great and unhappy pressure upon the country. It was in fact without a proper head. The English administration left the internal government to the native ministers, and these, little under the influence of public spirit, (a rare quality among the Asiatics,) intent chiefly on the affairs of the revenue, were unwilling to offend by honestly resisting the licentiousness of individuals.

With respect however to the Company and to Europeans in general, these various evils proceeded more from the elation of new success, from extravagant notions of the resources of the country, and unreflecting eagerness, than from intentional rapacity. They did not feel that the cognizance of the internal affairs of the country was a duty resting upon them, and they may have implicitly given credit to the ministers, more

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intelligent than themselves, for a regard to that important concern: From these causes, and the remoteness of the seat of English government, placed near one of the extremities of the country, they remained ignorant of the true state of the interior, nor were they fully aware that the natives whom they employed would exercise against their own countrymen any power, even falsely assumed, in the most unfeeling and iniquitous manner. They had not in fine, at all preconsidered the probable effects of so great a change as the assignment of the Dewannee to the Company *.

A. D. 1769. In less than four years these effects showed themselves very plainly. The country exhibited unequivocal signs of impoverishment and decay. The trade to the other parts of India was reduced, and the revenues, with encreased exertions, could not be kept up to their first standard. In truth, upon a comparison of the state of the country in the year 1757, after the battle of Plassey, and in 1769, when the power of the English, in one form or another, had predominated twelve years, the result is extremely against the revolution. The English are not directly chargeable with the misconduct of the Nabobs and their ministers to whom they entrusted authority, especially with the ruinous enormities of Cossim Ali; but in the transfer of the country to a set of European merchants, consequences were involved unfavourable to its prosperity. The specie which those merchants and others had for a long series of years annually imported, ceased to flow in. The English Company bought their large investment, encreased to three times the amount at which it stood when bullion was brought to pay for it, with the revenue of the provinces; other companies made their purchases with money received from English individuals, who also derived it from the country; and this was to be the system thence forward, at least for the greater part of the exports. Neither did the evil stop here. Both the Company and private persons exported large sums of specie collected there. The quantity thus extracted from the country, even within the period spoken of, was astonishing. A want of circulating medium began to be felt. These drains, added to the immense treasures which the extortion of Cossim Ali enabled him to carry off, exceedingly reduced the stock of the country, and the disorders which had arisen in the districts threatened to impair its annual produce. The first person who had the integrity and resolution to call the attention of government to the unhappy state of the country, was Mr. Becher, resident at the Durbar.

Certainly a great deal was due from us to the people in compensation of the evils which the establishment of our power had introduced among them; and in return for the vast advantages which we reaped from the change, it was but fit that what the country had suffered, or was subjected unavoidably to lose by being dependent upon us, should be repaid by all the benefits which good government, in consistency at least with that dependence, could bestow. And there was in the national genius of Britain, formed by superior lights and juster principles, and possessed of higher energies, what might still render that country happier than it had ever been before.

A. D. 1769. To discover and suppress the abuse of trust and power in the collection of the revenues, in the purchase of the investment, and in the conduct of the courts of justice †, were the objects of another institution, which forms the commencement of a third period of territorial management. English servants of the Company were sent as supervisors into the districts, and the coercive officers whom the ministers had employed, were withdrawn. The supervisors were furnished with a commission of investigation and active superintendence over the various departments of provincial administration, the state, the peace, and order of the country; but without the direct charge of any department. To many persons in Europe these progressive assumptions of power may have appeared as so many exorbitant encroachments; but whatever may have been thought at first even by judicious men, if we determined to retain the country and to govern it either to the benefit of the people, or to our own, they were necessary. From the first acquisition of a controlling power to the possession of the entire executive government of those provinces, it has been found that there was no point at which to rest. Experience evinced that in every intermediate stage, the interest of the country was neglected, and the abuses of power more felt than its protection. Our national standard of sentiments and morals,

* Mr. Verelst, who was Governor of Bengal during this period, was certainly a man of fair intention and correct in his personal conduct. His successor, Mr. Cartier, was also a very honest and amiable man.

† Private European traders and the Native agents of Europeans, who had in the beginning of the Company's power been guilty of such disorders in the districts, were by this time brought under considerable restraint.

morals, undoubtedly gives a comparative elevation to the character of those who are reared under it. The European servants of the Company therefore, who were also held by greater responsibilities, were worthy of more confidence than transient adventurers, ignorant and barbarous, from the upper Asia. This institution was the first step towards an English provincial administration, and the remote beginning of a new system, more open to the influences of the British genius and principles.

The supervisors rendered considerable service. Their presence in the districts imposed a restraint upon the native officers, and their inquiries and interferences, whilst they evinced the wretched state of the interior, checked many evils. But they had acted only a very short time when the country began to suffer from another calamity, which in the end overwhelmed it in misery, incomparably more dreadful than all it had before endured. This was the famine that began in the year 1769, and continued through the greatest part of 1770; of which, as few circumstantial relations have been given, perhaps the following account may not be unacceptable. *A. D.* 1769 1770

The principal food of the great body of the people who inhabit our provinces, is rice. Of this, from the fertility of the soil, the joint effect of an ardent sun and of saturating periodical rains, they have annually two crops, besides a variety of other grain and pulse. The first crop of rice is gathered in about the end of August, the second (which is the greatest) early in December; and the other inferior articles from the month of February till the end of April; so that the ground brings forth almost all the year round. In general the produce is so abundant as to render Bengal the granary of India, and it is but at considerably distant intervals that a season fails. The natives indolent, improvident, fatalists, and exposed till of late to be taxed in proportion to the produce they raised, or even to have any apparent superfluity invaded, by their brethren in power, had never adopted the practice of keeping a stock of grain in case of dearth. When a season of drought therefore occurs, the sun, usually the great agent in fertility, parches the ground. Scarcity ensues; a scarcity aggravated by the eagerness which people then show to purchase rice, and by the artifices of the grain dealers, who are skilful in taking advantage of the public apprehension. If drought extended through two successive seasons, it would almost inevitably follow that the quantity of grain in the country would not be equal to the consumption of a people whose lives depend on the supply of this article; for extremity of want will not induce the Hindoos in general to resort to animal food, especially the flesh of the cow, because of the horror with which they regard an act that they are taught to believe would incur the dreadful punishment of loss of caste in this life, and torments or degrading transmigrations in the next. The periodical rains begin early in June, and continue with intermissions till late in October, commonly falling more plentifully in the two last months.

The crops of December 1768 and August 1769, were both scanty; and throughout the month of October 1769, the usual period of heavy rains, which are absolutely necessary for the latter crop of rice, hardly a drop fell. The almost total failure of a third crop, after the deficiency of the two preceding ones, filled all men with consternation and dismay. Some hope was still placed in the crops of inferior grain, usual reaped between February and April, which every endeavour was exerted to increase; but the refreshing showers that annually fall in what are called the dry months, between January and May, also failed, and in the fatal year 1770 there was scarcely any rain till late in May. The heat was insufferable, and every kind of grain or pulse then growing was in a great degree dried upon the ground. Nothing appeared but universal despondence and unavoidable destruction; for the same calamity extended to the upper India, and there was no neighbouring country that had been used to furnish Bengal with rice by sea, or that could afford an adequate supply.

The Company's administration and the native ministers early took the alarm, and entered upon such precautionary measures as were within their power. In September 1769 the English and all their dependents were absolutely prohibited from trading in rice; not because they or any other set of people were at all suspected of having been monopolizing that article, but lest on the temptation of very high prices, European influence should in any form operate to collect such undue quantities as might aggravate the scarcity. General and strict injunctions were also published against hoarding grain, buying or selling it clandestinely, or carrying on any dealings in it but at the public markets; and a stock of rice, amounting to 60,000 maunds,

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was laid in for the use of the army, a measure to which the preservation of our military power and indeed of the country may be ascribed; for it is not to be doubted that want would have made the soldiery throw off all command, and seek subsistence with their arms in their hands, which must have produced total anarchy. The prime mover in all these measures also was Mr. Becher*, resident at the Durbar.

The famine was felt in all the northern districts of Bengal as early as the month of November 1769, and before the end of April following, had spread desolation through the three provinces. Rice rose gradually to four, and at length to ten, times its usual price, but even at that rate was not to be had. Lingering multitudes were seen seeking subsistence from the leaves and bark of trees. In the country the highways and fields were strewed, in towns the streets and passages choaked, with the dying and the dead. Multitudes flocked to Moorshedabad, the capital. It became more necessary to draw supplies to that city, and no endeavour was spared to bring all the grain in the country to market. Subscriptions were set on foot. The Company, the Nabob, the Ministers, European and native individuals, contributed for feeding the poor. In Moorshedabad alone 7,000 were daily fed for several months, and the same practice was followed in other places; but the good effects were hardly discernible amidst the general devastation. In and about the capital, the mortality increased so fast, that it became necessary to keep a set of persons constantly employed in removing the dead from the streets and roads, and these unfortunate victims were placed in hundreds on rafts and floated down the river. At length the persons employed in this sad office died also, probably from the noxious effluvia they imbibed; and for a time, dogs, jackalls, and vultures were the only scavengers. It was impossible to stir abroad without breathing an offensive air, without hearing frantic cries, and seeing numbers of different ages and sexes in every stage of suffering and death. The calamity was not less in other quarters; in many places whole families, in others, the people of entire villages had expired. Even in that country there were persons who fed on forbidden and abhorred animals, nay, the child on its dead parent, the mother on her child. At length a gloomy calm succeeded. Death had ended the miseries of a great portion of the people, and when a new crop came forward in August, it had in some parts no owners. The number which fell in this period of horror has been variously estimated, and may perhaps be moderately taken at three millions.

It must be very evident from a simple review of this desolating event that it was the visitation of Heaven, not the work of man. Those Eastern countries have unhappily been too well acquainted with this species of calamity in all ages. Upon turning to the last century only, the records of the Company mention a destructive famine in Surat and the neighbouring countries about the year 1630. Dow gives an account of a prodigious one almost general in the Mogul empire, anno 1661. Instances might easily be multiplied by a more particular research; in our time, we have seen several on the Coast of Coromandel, the last of which a few years ago destroyed multitudes. Since the awful æra of 1770, there have been two seasons of great scarcity in Bengal, the years 1783 and 1788. The dearth in those years was only partial, but the common people were driven to great distress and some perished. Lord Cornwallis seeing how much the country was exposed to calamities of this sort, instituted public granaries in Bengal, in which a stock of grain should always be preserved against emergencies. Indeed if we could suppose that any man or set of men, especially European servants of the Company who had easy means of acquiring wealth, could have been so iron-hearted as to form the design of enriching themselves by with-holding sustenance from their fellow creatures, if we could suppose they could have borne the sight, even for the first week or day, of the miseries under which a whole people were sinking, if we could suppose further that after

* A man noted for his honesty and humanity; whose anxiety and exertions for alleviating the miseries of that whole period ended in an illness that almost cost him his life. Yet on his return to England he found himself traduced as the author of the famine. This calumny is said to have had its rise at the French settlement of Chandernagore, in the vicinity of which an agent of his had in the year 1769, before things came to extremity, some articles of the *provisions of the former year* selling off, and among them a parcel of rice, in value about 20,000 rupees. Perhaps the purchase of a stock of rice for the Company's troops may also have contributed to suggest the idea of a monopoly. It is from a MS. account, of which the materials were furnished by him when the event was recent, that this relation (of the facts stated in which the writer hereof was also an eye-witness) is chiefly taken.

Another gentleman, still living, was also accused of being the author of the famine, though he was in England when it commenced.

after denying every thing human for the sake of gain, they could so far forego their own object as instead of accepting a four-fold, nay ten-fold price, to allow those who would purchase, to die in immense multitudes for want; if we could entertain all these extravagant suppositions, and the equally extravagant one of a general monopoly of the produce of a great country, still a little cool reflection upon the means of accomplishing a scheme so flagitious, would show that the execution of it would be absolutely impracticable.

It is perfectly established that the dearth was general over the three provinces, and in all ruinously severe. A monopoly therefore, if that had been the cause, must have been general also. It is easy to conceive how one quarter could be deprived of its produce to supply another, but when in all quarters there was a like destitution, if we suppose this to have proceeded from monopoly, we must also suppose not a simple operation of emptying one district to fill another, still less to surcharge any other, because that would be to go from a better market to a worse one; but a local monopoly in every township, *keeping up*, not *sending away*, the grain found within its circle. Let us now enquire into the lowest quantity of grain that can be supposed to have been hoarded. In the course of twelve months, three millions of people are estimated to have died; that is, nearly one-third of the whole population; but as a third of the usual allowance of food might have preserved life, we should hence be led to conclude that the grain retailed in that year was two-thirds at least below the quantity usually vended. As, further, the failure would fall chiefly on those who in times of common plenty earned only a subsistence, and these may be computed at eight in ten of the community, the deficiency in the supply of the markets that year may well be rated at two-thirds of the usual consumption of eight millions of people, that is somewhat more than one-half of the whole quantity brought to market in ordinary times: and if this was occasioned by monopoly, so much must have been kept up. But let us assume what would be the most plausible theory, that a real scarcity, to a certain extent, was rendered severely fatal by the supervention of monopoly; of what magnitude must we conceive the monopoly to be, in order to become thus operative? Here we must go on an ample supposition; for if monopolists had thought of contenting themselves with collecting, for instance, only a month's demand at a time, their main purpose would have been defeated, because in the mean while the rest would have found a distribution in the usual way. They must therefore have bought up largely at or before the reaping of a crop, and bought up more than they withheld, because part of their purchases we must suppose would be resold. If then we admit a real scarcity which would have occasioned a mortality of a million of people, (which prejudice has never granted,) and ascribe the mortality of the other two millions who perished, to monopoly, concluding as we are obliged, that this monopoly consisted only of two great operations, that is, on the December crop of 1768, and the August crop of 1769, then the quantity of grain hoarded up will turn out to have been one-third of the market supply of ordinary years: and assigning in such years to ten millions of persons, the young and the adult taken together, half a seer (or a pound) of rice per diem, which is a moderate allowance, that third will amount to six hundred and four millions of seers, or fifteen millions of maunds; which at a rupee each, a probable purchase-price in a time of real scarcity which we here suppose, will amount to fifteen millions or a crore and a half of rupees, one half perhaps of the whole circulating medium of the provinces at that time, and such a capital in the hands of those suspected of being concerned, as no extravagance of credulity can hold to be supposable.

But we have not yet seen all the difficulties. The three provinces contain 150,000 square miles, and if we reckon fifteen square miles for the sphere of one monopoly agent, (which surely, after allowing for water, is an average full as much as he could compass,) and reckon further two assistants only to each agent, we shall have thus ten thousand monopoly stations, and thirty thousand persons employed at them. Such a set of operations, or the hundredth part of them, and operations continued through a whole year, would have furnished uncontroulable evidence to all men. The natives are indeed patient in suffering, when they think suffering inevitable; they suffered in that calamity with wonderful passiveness; but if they had traced their miseries to any source like this, the country would have soon rung with their complaints. They are known to be clamorous even on trivial occasions where any redress is possible. They have been known in a time of scarcity, merely apprehended or artificial, to have carried urgent representations against the grain dealers; they did so at the period spoken of, as long as they thought that those dealers

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secreted any grain, which according to their usual practice, they may have done, thereby unnecessarily adding to the evil. But very probably, if the people had seen that the calamities of that period proceeded from human hands, they would not have borne them; they would have helped themselves to grain; perhaps have risen upon their European masters. No, they well knew and acknowledged whence their distresses came; they foresaw them in the drought of successive seasons, a drought not confined to their provinces; and felt in them the dispensation of a superior Power. This was one of those severe inflictions of the Almighty, by which offending creatures, who forget their Maker, are reminded of his being, and of his government of the universe. Those poor people sought by superstitious observances to propitiate their deities, but they were "*Gods that could not save*," and their votaries remained without any moral change.

The members of administration appointed from England by Parliament in 1773, a few years after the famine, with a special view to the discovery of abuses, men zealous in the execution of their trust, and free in expressing the most unfavourable opinions, never intimated the suspicion of monopoly; but always spoke of the famine as a natural evil of most destructive consequences, still visible in the country. Lord Cornwallis, if he had not judged in the same way, would not have contented himself with proposing only the simple preventive of an establishment for storing part of the surplus produce of plentiful years. Yet wonderful to consider, without any proof, without investigation, without one well authenticated adequate fact, the belief of a monopoly by some servants of the India Company has been, and perhaps may still be, very general in the western world. The French of Chandernagore, like the rest of that nation, too ready to blacken the British conduct in India, are accused, and with apparent reason, of being the authors of this tale. From Chandernagore it first passed to Calcutta, and from these places it was then transmitted to Paris, to London, and to all Europe. It has been registered as truth in the page of history, has been the public subject of religious lamentation, has been embalmed in verse, and still remains such a foul stain upon the British character, as the annals of any people can hardly parallel. Such is the power of credulity. In this case it not only "gave to airy "nothing a local habitation and a name," but it ascribed to a phantom, effects, which had that phantom been a reality, it was incapable of producing. Nothing short of an absolute want of a sufficient stock of food in the country, could have occasioned so dreadful a devastation of the human race. The whole idea of a monopoly of any kind or degree, (unless such a natural aggravation of real scarcity as the eagerness of the people to lay in some store, and the retention of native grain dealers may have created,) the present writer, himself an eye-witness of that dire calamity, and with particular means of information, most assuredly believes to be without foundation, and to have originated in calumny or in error. This testimony, due to truth and to the British character, he is able deliberately and conscientiously to deliver; and though his main design may not have called for so full an exposition of a collateral subject, yet since the current of time swiftly removes the opportunities of giving and receiving information, he hopes he shall be pardoned in availing himself of the present occasion, to perform what he thinks an act of justice and of duty.

A. D. 1772 The subject of territorial administration shall now be continued. In 1772 the principle of sending English supervisors into the districts, considered here as introducing a third period, was enlarged by a very important measure which completed the change begun in the adoption of that principle. The Company stood forth as *Dewan*: hitherto the office continued to be executed by native ministers, who resided at Moorshedabad, the old seat of government and of the public Exchequer. These ministers, with the officers whom they employed in the districts, were now laid aside, and the Company by the agency of their own servants, took upon themselves the entire care and collection of the revenues. The Governor and Council with their former controlling power, joined that of cognizance and executive management, which had been till then vested in those ministers. They removed the ostensible seat of Government and of the Exchequer to Calcutta, the principal English settlement; they divided the three provinces into collectorships, and stationed an European servant of the Company in each of those divisions as collector.

This change threw also the judicial administration of the country in civil affairs, into the hands of the English. Under the government which the Mahomedans had for many centuries maintained in Bengal, they established also their own system of laws, and it was the standard of decision in all cases civil and criminal, exclusive of those

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those between Hindoos, which were determined by the code of that people. The Nazim, or ruler, in person executed the office of supreme criminal judge. By deputy he also administered in the principal civil court appointed for the cognizance of all matters of property, excepting claims of land and inheritance, which fell within a third department called the *Dewannee Adawlet*, or Court of the Dewan, to whom as the Emperor's officer for the collection of the revenues, all causes relating to the details of that extensive province, and particularly to property in land, were referred. From the time of the Company's accession to the office of Dewan, the authority of the Dewannee Court naturally enough encreased, till at length it became in effect, the sole tribunal for civil suits. In this state, as appertaining to the department of the revenues, it fell into the charge of the Company's servants when they assumed the executive management of that branch; and they immediately proceeded to make various regulations and improvements in the administration of civil justice. They appointed a Provincial Dewannee Court in every collectorship, over which the English collector was to preside; they even modified, in some respects, the administration of criminal justice, which was peculiarly the province of the Nabob; appointing inferior criminal courts in the districts, and subjecting them, as well as the principal criminal court, to English superintendence. Thus every interposing medium between the English and their Indian subjects was removed; they came then to transact immediately with each other. The direct authority of the English pervaded the interior of the provinces, and the *Native* or *Country Government*, saving only the prerogative of the Nabob as chief criminal magistrate, was in form and in fact done away.

Many obstacles to good government were dissipated by this change. The English administration entered upon their new functions with a tone of intelligence and vigour. Besides introducing more method and order into the conduct of the public business, they set themselves to correct some of the most prominent of those abuses by which the country had been so long oppressed. In collecting the revenue for instance from the ryots or husbandmen, there was no fixed standard. Agreements did indeed pass between the landholders and their tenants at the beginning of the year (for their leases extended only to one year), but as before hinted, those agreements were commonly broken by the stronger party upon a thousand pretences, of which the superior made himself the judge, and this practice opened a door of exaction to every subordinate officer of the revenue. Hence the people never knowing what portion of the produce of their labour would be left to them, were not only impoverished but discouraged from exertion.

Exactions still more scandalous were practised in the judicial courts. The *Phousdary*, or criminal court, raised a revenue by the imposition of fines upon crimes and misdemeanors tried before it, having thus a direct interest in the multiplication of accusations, and in finding the accused guilty. The government of 1772 styles its exactions, "detestable and unauthorized, but yet imitated by every farmer and "aumil in the province."

The *Dewannee*, or civil court, in like manner, wherever it could, had recourse to heavy arbitrary fines. Things however *sanctioned by the native government* even down to the period now spoken of, may give a more striking idea of the state of the country. In law concerns the civil courts were allowed to take a commission, sometimes amounting to one-fourth, upon the sums recovered on their awards; in the revenue, the inhabitants of a town or district, however reduced in number, were obliged to make up the assessment at which that division had been rated by government, that is, to pay the rents of those who were dead or fled, as well as their own. This principle, which must surprise persons unacquainted with that country, was acted upon even after the famine; and the greatest wonder is, how the people could subsist under such accumulated barbarous impositions.

The English government of 1772, appears to have set out in the sincere desire of alleviating the sufferings of that people. But the first great financial measure which they adopted, produced most unhappy effects. In opposition to the annual leases, which were certainly very exceptionable, the idea of farming the lands for long terms of years had been frequently suggested, and came at length to be regarded as a remedy for many existing evils. Sufficient attention however was not paid to the wide distinction which exists between the landholder having an interest in the soil, and the revenue farmer, whose principal object it must ever be not to consider the permanent

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welfare of a district or an estate, but the best return he can draw from it within the term of his engagement. The desire of keeping up the collections as near as possible to their former standard, still haunted the councils of the Directors at home and of the servants abroad. Under the idea that there were hidden resources in the country, (which might be so far justified, that early subductions and alienations had been made from the exchequer lands, but the resumption of them was become extremely difficult, whilst the general circumstances of the country had decayed,) and in the view of uniting increase of revenue with ease to the people, it was determined to lease the lands of Bengal on farm for five years; and that their utmost value might be ascertained, these farms were put up to public auction. Calcutta banians, money dealers, and adventurers, were among the highest bidders. The country was hence given into their hands, under a positive condition indeed for the equitable treatment of the occupants of the soil; but the ancient usage of collecting the instalment of the month, within the month, was still followed by the farmers; and if there was any interference with even the most violent exercise of their authority, they had to plead the impossibility of realizing the revenue and making good their engagements. The English collectors, afraid perhaps of having a failure in the revenue ascribed to them, were seldom willing to interpose except in flagrant cases; and the poor people preferring often the first loss to subsequent litigations, or wearied out by the protractions of the other party, had little redress. At the end of five years, an immense balance of the stipulated revenue was due by the farmers, and the country having been in effect delivered again into the hands of natives, still continued to suffer.

It has been said in favour of the English government, that under it, and even within the period of which we now treat, Bengal has enjoyed a tranquillity from hostile assaults and commotions, rarely experienced under its former masters. But though little disposed to panegyrize Mahomedan governments, we must observe, that this comparison can hardly be meant to extend to the times anterior to the dismemberment of the Mogul Empire. The usurpation of Aliverdi Khan, who waded to power through perfidy and blood*, provoked the court of Delhi to encourage an invasion of the country by the Mharattas, and for several years they harassed the districts west of the Ganges, the far larger divisions on the eastern side of that river remaining all the time perfectly safe. But from the establishment of Aurungzebe on the imperial throne, until the invasion of Nadir Shaw, a period of eighty years, Bengal enjoyed profound peace without, and experienced only few, and these transient disturbances, within.

If however, a comparison of this kind is to be instituted, it must be carried much further. Under the government of the last two regular viceroys, Jaffier Khan, and Shujah Khan, who ruled in succession near forty years†, the state of the country was eminently flourishing, and is yet a subject of celebrity. Jaffier Khan indeed appears to have been culpably as well as unnecessarily severe in inflicting personal punishments upon the zemindars, and this part of his conduct has brought reproach upon his memory; but he strenuously protected the common people, and most ably administered the affairs of the soubah. His successor is represented to have been a man singularly beneficent and humane. Under both, the taxes were little felt, and in the time of the latter, though the annual tribute remitted to Delhi was usually a crore of rupees, local collectors were seldom requisite, the zemindars paying their rents immediately into the royal treasury. Even after the usurpation of Aliverdi Khan, that class of persons was so opulent, as at one time to give him a donation of a crore of rupees, and at another time fifty lacs, towards defraying his extraordinary expences in repelling the Mharattas. The general power and authority of the empire were a protection to this dependency of it; its military force, especially during the long administration of Jaffier Khan, was inconsiderable, its civil administration simple and economical, and it had no separate political relations to maintain with neighbouring or foreign countries. Easy, in short, in its finances, moderate in its expenditure, and free from the state, the charges, and cares of independent dominion, its inhabitants enjoyed in the occupations of agriculture and commerce, public peace and abundance. Under the violent assumption of Aliverdi Khan, its connections of a political nature were

* *A. D.* 1741.

† Sujah Khan died in 1739, and was succeeded by his son Sirferaz Khan, who was deposed and slain by Aliverdi Khan in 1741. Aliverdi Khan possessed the government fifteen years, and was succeeded in 1756 by his grandson Surajah Dowlah, who was deprived of the musnud and his life in consequence of the battle of Plassey, anno 1757; so that from the death of Shujah Khan to the ascendency of the English power, was only eighteen years.

were still very limited, for it had nothing to fear from its neighbours, except on the western side, and he seems never to have cast an ambitious view beyond the provinces which he wrested from the family of his ancient master. But Bengal, as held by us, possesses the rank of a sovereign state; it is the head member of an empire whose parts are remotely separate from each other, and intermix with the territories of several powerful princes; it contributes to the support and defence of the other divisions of British Asia; and supposing its system of foreign policy to be entirely pacific, it is liable to be affected at so many points, that the government of it requires far greater resources than were necessary when it was merely a dependent province. The tribute then which it pays to us, being at least equal to what the Mogul Emperors derived from it, and neither its population nor produce, as we have already found reason to conclude, greater than in their time, it will follow that the inhabitants must now be more highly assessed than they were under their former rulers, not excepting even the usurpers. And if this state should pursue plans of offensive policy towards its neighbours, it might multiply beyond calculation its exigencies and dangers, and thus aggravate still more the disparity between its actual and preceding situation. It is indeed possible, as has been already observed, to render the country happier under our government than it ever was before; but after it had experienced so many convulsions, we need hardly look even for an equality, in the earlier unsettled stages of our management.

The time of which we now speak may be called a period of experiment. It is evident that with respect to the revenues, on the due regulation of which the ease of the people so much depended, the great desideratum was to fix a just standard for their amount, and to provide for the certain unoppressive realization of that amount. This was soon perceived; but there were various opinions concerning the best mode of attaining that, in the propriety of which all agreed, and whilst discussions were continued, current exigencies frequently decided. It can be no presumption to assert, that our first and main duty then was to establish a just and comprehensive system of domestic policy, to cherish our subjects, promote internal improvement, and according to the maxim recommended, and thence dignified, by Lord Clive, "to cultivate our garden."

The remote distance of the supreme directive seat of our authority was an obstacle to the settlement of wise plans of internal government. Persons at home could seldom act but upon transmitted information. Distrust produced hesitation. The constitution of the Company left the executive body without sufficient controul, and divisions weakened its energy. Official changes, both here and abroad, interrupted the progress of measures, and though the objects which ought to be pursued were understood, there was still uncertainty as to the sacrifices which might be hazarded in new attempts.

Such considerations as these may, probably, among others, have produced the legislative interference of 1773; by which a new constitution was given to the government of Bengal, and a majority of the members which were to compose it, sent from England, the rest being selected from the former administration. *A. D.* 1773.

Whatever may be the views which the conviction of the writer has led him to entertain of the affairs of this period, he will surely be pardoned in wishing to avoid, as far as can possibly consist with any fairness to his subject, the introduction of controversial topics, always unpleasant, upon an occasion like the present. Where he is led to notice events which come within that description, his aim will be to consider them, not with relation to the motives which may have produced them, or their intrinsic character, but to their influence upon the condition of the people of our eastern dominions, and as articles of a national account, between those possessions and this country. Instead then, of entering into the merits of the contests which soon arose in the new government of Bengal, we may be allowed to remark, that however well intended the institution of that government might be, it was at first unhappily compounded. Only upon the supposition of a coincidence of opinions respecting past as well as present measures, which from the circumstances of that institution seems not to have been expected, could dissentions have been thought avoidable; and if they should arise, as may more particularly have been apprehended, concerning former acts, a disapprobation of which must implicate the credit both of the preceding administration, and of those connected with it, a divided government and state were naturally to be looked for. That these consequences, proceeding from criminatory retrospections, and the utmost discordance of opinion upon various important ques-

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tions, did soon follow, is well known. And they produced unhappy effects upon the administration of affairs, upon the European service of the Company, and upon the people. The relief of the country was still suspended; and the failure of the first great measure adopted at home for this end, may have prevented a progress to others of executive and official regulation, probably at that time seen to be requisite, and subsequently included in the parliamentary provisions of 1784. Into the subjects of these we forbear to enter, although after all the candour and discrimination which would be solicitously exercised in treating of them, doubtless they would be found to discover a distinct source of pressure upon the country.

Hitherto, from the period of the revolution in 1757, we have not seen the English, on the side of Bengal, engaging in any offensive alliances or wars with the neighbouring country powers. The system recommended by Lord Clive and inculcated by the Company, was, to avoid schemes of conquest, and political intrigues with the native princes, improving our domestic state, and making ourselves respected for our moderation and good faith. Upon these principles, his Lordship and his Select Committee* had the magnanimity to restore to Shujah Dowlah the dominion of Oude, after victory had chastised an unprovoked aggression of that prince, and made
A. D. 1774. us the arbiters of his fate†. A deviation from this system began in 1774, having professedly for one object, the pecuniary advantage of the Company; and a much
A. D. 1778. wider departure from it was made in 1778, by carrying offensive war, with a view to the acquisition of territory, into the west of India. The long duration, the external effects, and the issue of this war, are sufficiently known. At home it plunged the government into a sea of military and political cares, that left little time or opportunity for the study and application of those protecting cherishing measures, which the state of the country required; it incurred an enormous expense, a heavy load of debt; and, when the public resources were greatly exhausted, to all these evils succeeded the attacks of Hyder Ali in the Carnatic, and a defensive war against him and the French, the support of which chiefly fell upon Bengal.

Such were the necessities to which our affairs were then reduced, that although we had before acquired a very forbidding experience of the farming system, a temporary recourse was again had to it in several districts, some of which were swept by the renters with a rigour that became afterwards a subject of public inquisition. Thus, notwithstanding the useful regulations begun in 1772, through errors or defects in carrying the designs then adopted into execution, through the effects of intestine divisions, fluctuating counsels, foreign wars, and real or conceived exigencies of government, added to its common cares; a series of twelve years past without the application of any effectual relief to the state of the country, without acting steadily and systematically upon the acknowledged necessity of fixing on just principles the extent of our demand upon the territorial possessions, and giving the people, once for all, rest and exemption from every species of arbitrary taxation.

About this time the legislature again interposed. The parliamentary regulations
A. D. 1784. of 1784 went upon principles well adapted to the correction of the evils which prevailed in our Indian governments and possessions, and to the invigoration of the authority of the home administration over them. If they established a new power in giving the state a controul respecting the affairs of India, they established new responsibility. But after all, it is to be acknowledged, that whatever laws may be enacted for the government of those distant dependencies, inhabited by a people so dissimilar to the European nations, the efficacy of those laws must ever essentially depend on the character of the persons to whom the execution of them is entrusted‡.

The

* Consisting of Messrs. Sumner, Carnac, Verelst, and Sykes.

† In 1764. A time may perhaps come when it will seem less extravagant than it might now be thought, to insinuate, that it had possibly been well for us, notwithstanding the private wealth and even public subsidies derived from our connection with Oude, if we had to the present day adhered to the general spirit of Lord Clive's policy. The late war with Tippoo was a forced departure from the pacific system, and the ambition and perfidy of Indian powers may possibly expose us to new necessities of the same kind, until they are taught a better conduct, by our continued superiority and moderation. But this probable necessity of extending our conquests is one of the disadvantages attaching to our dominion in Hindostan, for the wider it spreads the more vulnerable we become. It was the unwieldiness of the Mogul Empire that accelerated its fall; the loss of distant provinces being the rise of new enemies, and loss of reputation also.

‡ If the sole object of this review were not to treat of measures immediately affecting the natives, an economical retrenchment made at this time in the different departments of the Bengal government, under Sir John Macpherson, would deserve to be introduced here with applause.

The fourth and last period of which it was intended to speak was now approaching, and brought with it a great and happy change for the natives of Bengal. Under the auspices of the parliamentary system just alluded to, administered at home with enlarged and upright views, and seconded abroad by the excellent conduct of Lord Cornwallis, the objects till then ineffectually proposed, have been fully attained. A new constitution has been established for the land tenures of Bengal, whereby hereditary property in them is secured, the tax payable by the proprietors to government is equitably and unalterably settled, industry and improvement are hence encouraged, and provision is made for the extension of the same encouragement, the same enjoyment of rights, to every inferior occupant of the soil. This is in effect the foundation of a constitution for the country, because the government is bound by it as well as the subject. Very essential reforms have also been made by his Lordship in the administration of justice. The office of supreme criminal judge remained still vested in the Nabob, represented by some Mussulman delegate, by whom the inferior courts were filled with mean retainers of his own, who paid for their places. Nothing can be conceived more defective, oppressive, and scandalous, than the administration of these persons. The country groaned under it, the government was reproached by it, yet reluctant to touch the remaining prerogative of the Nabob, it endured this evil long; but seeing no other measures of reform could prosper whilst such a source of flagrant abuse was tolerated, the good of the people at length absolutely demanded an interference, and the Nabob appointed the Company his delegates in the office of supreme criminal judge. The Governor General and Members of Council then took upon themselves the execution of this office. The chief criminal court was removed to Calcutta, the collectors in the districts were invested with the powers of magistracy, for the apprehension and confinement of delinquents. Courts of circuit for the trial of criminals were established in the principal divisions of the country, and filled with English judges selected from the most experienced of the servants of the Company. In a word, this great department, which was before made up of the vilest perversions of legal power, was composed anew, and filled with men of principle and ability, placed under the strongest responsibilities, and acting upon a system which was to carry the inspection and the dispensation of the laws regularly into every section of the country. Even Europeans in the districts were subjected to the authority of the provincial laws, and in civil affairs the Dewannee Court, properly so called, that is the court of the collector for the trial of revenue causes, was abolished: that officer was no longer allowed to judge where he was a party; but all revenue cases, as well as other civil suits, were to be referred to the civil judge of the district, who was to have no concern with the collections, but to be employed solely in the administration of justice; whereby delay in decisions, the consequence of divided attention, and a grievance almost equal to a denial of justice, would be prevented. To his court also, the commercial agents of the Company, who had been, in consideration of the nature of their business, exempted in some degree from the ordinary routine of court processes, were henceforth regularly to refer all matters of litigation occurring within their departments. The law, in a word, is now made the arbiter in all matters of property, even between the government and its subjects*. With regard to the rules by which justice was to be administered, the Hindoo and Mahomedan codes were in general to be the standard for the respective subjects of them, but tempered, in some instances where they are barbarous

Commencing in 1786.

* It is to be remembered, that nothing said here or elsewhere in this treatise respecting the administration of justice, has relation to the *Supreme Court of Judicature*, established by his Majesty at Fort William. That tribunal seems to have been instituted with two views; the first to answer more effectually the purposes for which the municipal court, called the *Mayor's Court*, had been established at Calcutta in the merely commercial times of the Company, namely, to administer justice to British subjects, and to all persons living under the British flag; the second to answer another purpose, which the acquisition of territory was thought to have rendered necessary, the affording of an asylum to the natives of the acquired provinces who might be aggrieved by the English. The jurisdiction of the Supreme Court therefore, now extends over all British-born subjects residing within the provinces, for all acts done by them against each other or against natives; it extends over some of the immediate native dependents of the English, and over such other natives as may by voluntary agreement, in any case submit themselves to it; and it extends also over all persons, of whatever nation, living within the limits of the English flag, as they were defined prior to our acquisition of territorial possessions. But the Judicial Courts, which the Mogul Emperors had established in those possessions, were continued after the transfer to the Company, and the regulation and controul of those Courts are now vested in the British government of Bengal, independent of the Supreme Court of Judicature; over them that Court has no power; to them only the natives of the provinces, not in the service of the English, that is to say, the great body of the people, are amenable, and it is of them only, and of the reforms made in them, that we all along here treat.

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barbarous and cruel, by the mildness of British sentiments, and improved in others which have relation to objects of political economy. "These codes," says Lord Cornwallis in his minute introductory of this great reform, "are still in force, as far "as regards religious tenets, marriage, caste, inheritance, and some other points."

Thus by the measures of his Lordship's administration, important rights of property, never before enjoyed, and a meliorated legal constitution, really adequate to the protection of those rights, have been conferred upon our Asiatic subjects in Bengal.

Nor are these the only grand events by which the government of Lord Cornwallis has been marked as a providential blessing, and has become an epoch to that country. He has given a new tone, a new principle of purity and vigour to the British administration there; order and economy, integrity and zeal, pervade all its departments; for, exhibiting in his own conduct an example of equity on the part of government, he has been solicitous that all inferior authorities should follow it; and no where, it may be safely affirmed, throughout his Majesty's dominions, has public business been transacted, so far as the civil servants of the Company are concerned, with more public principle than in Bengal, under the influence of the spirit and the conduct of that illustrious nobleman. Distinguished among many other valuable qualities by good sense and magnanimity, which enable him with ease to meet the most trying exigencies, yet capable of descending to the smallest concerns, acquainted himself with all affairs and with the officers employed in them; by his intelligence and the uprightness of his own character he has overawed corruption, and by kind conciliating manners, flowing from a generous and modest mind, has produced, in the midst of a system of reform, attachment both to himself and to that system.

It would be easy and gratifying, if it came within the scope of this essay, to dilate upon other parts of his Lordship's character; his justice and good faith towards the Indian powers, his atchievements in war, and his moderation in victory: but it may suffice to say, that whether we look to his internal administration or to his foreign policy, to his talents for civil government or for military affairs, to his conduct towards the Natives or Europeans, towards enemies or friends, we must rejoice that such an example of character, and of British character, has been displayed to the inhabitants of the East. Let it not then be imagined that any remarks which are made in the following pages are intended to derogate, or can justly be conceived to derogate from the merit of his administration. Even had there been any grounds which could give colour to such an attempt, one who can neither speak of his government, nor of himself without sentiments of respect and attachment, would have been among the last to engage in it.

It will now be fit to advert to the other Indian possessions held by the Company in full property; and after what has been said, a very brief notice of their state will be sufficient. Benares, which is completely incorporated with our dominions on the Ganges, has received the full benefits of the improvements made in Bengal. The Northern Circars have continued, until very lately, in a situation similar to that of Bengal under the second period of our management, and have suffered extremely from the mal-administration of the natives. The Bengal system, as nearly as it can be adapted to them, is, we understand, intended to be established in them and in the Company's jaghire lands, which have been more under European inspection. The same system, we may presume, will also, as speedily as possible, be extended to our newly acquired lands in the Carnatic and on the Malabar Coast.

If after this review, in which it will not be asserted that any excess of colouring has been employed, we proceed to form an estimate of the general effect of our early conquests, upon the state of the countries and the happiness of the subjects acquired by them, however we may be inclined to avoid censuring individuals, we can hardly fail, on the whole, to admit some humiliating conclusions. The history of our rule in Bengal is in great part a history of our own errors, or of the abuses public and private of power derived from us; and the brightest portion of our administration there, is that which has been employed in applying remedies to the political diseases, which either have arisen, or become more inveterate, in the country, in our time. Our accession to the government of it has been productive of prodigious changes; and if we take the result of them for thirty years together, from the elevation of Mhir Jaffier, we shall be compelled to allow, that at the end of that long period, the country and the people were not in so good a condition as that in which we found them. Doubtless the ravages of the famine greatly reduced the cultivation for a

time,

time, as well as the number of inhabitants, which will account for a decrease of the national revenue, but not for decay in the circumstances of surviving individuals, either of the poorer sort or middle classes; because the natural effect of great depopulation was rather to enhance the value of labour and lessen the cost of subsistence, as also to leave the field of traffic in fewer hands.

Persons who remember the state of the country in the beginning of 1769 and in 1787, (the thirtieth year of the revolution,) think that it exhibited more appearance of opulence at the former period than at the latter; and it is clearly acknowledged in the Bengal records, not only that the country declined considerably in the twelve years anterior to 1769, but that various causes of its decline continued to operate after the calamity of the famine, though perhaps with less activity*. It will likewise be granted, that the wars in which we were engaged subsequent to that event, were unfavourable to internal prosperity, and whatever may be urged in vindication of our governments, as to the grounds on which they were undertaken, yet with respect to wars of offence, not even a remote necessity or interest of the people of Bengal, can be pleaded for making that people parties in them.

But exclusive of all local mismanagement, the nature of that subjection in which Bengal is placed to this country, will alone account for a wonderful change in its internal state. All the offices of trust, civil and military, and the first lines of commerce, are in the hands of foreigners, who after a temporary residence remove with their acquisitions in constant succession. The government is foreign. Of *native* rulers, even the *rapacious* exactions went again into circulation, and the tribute formerly paid to Delhi, passing chiefly by the medium of private commerce, when a general communication throughout the empire gave Bengal great advantages, was little felt. But the tribute paid to us extracts every year a large portion of the produce of that country without the least return. It may not perhaps be too much to say, that in the thirty years following the acquisition of the Bengal provinces, this nation, by public and private channels, derived from them alone, exclusive of its other Eastern dependencies and of the profits of goods remitted, fifty millions sterling.

These observations and the review which precedes them, are intended forcibly to impress upon the mind, the sense of those peculiar obligations under which we lie to the people of our Asiatic territories, on account of the benefits we draw from them, the disadvantages they have suffered, and must still in certain ways suffer from their connection with us, and the relation in which they stand to us as our subjects. True, we have corrected abuses in the internal government of these possessions, we have encouraged our Hindoo subjects, we have at length given to them the secure enjoyment of property, both inherited and acquired. All these events were most desirable and important, and to accomplish them was a work singularly arduous. But does nothing further remain to be done? In decreeing that our subjects shall be delivered from oppression and injustice, in setting an equitable limit to our own demands, and in establishing rights of property never well ascertained nor respected before; have we done all that the circumstances of the Hindoos require, all that is incumbent upon us as rulers? That by many this inquiry has not been seriously made, nor our obligations deeply considered, may be ascribed to several causes. There is a description of persons to whom the whole subject of India is confused and obscure. They know not what to believe or conclude; and a few there have been, who with very good meaning have thought of eluding all difficulties by giving back our territories to the natives, not reflecting that we should thus abandon them to new distractions, to adventurers of less pretensions than ourselves, and most probably to a rival European power. No, we cannot now renounce them without guilt, though we may also contract great guilt in the government of them.

It was long before our acquisitions in India, even those provinces which we professedly held in perpetuity, came to be regarded here as permanently our own. A secret idea of their insecurity prevailed, and our conduct towards them was perhaps influenced by this apprehension. We were eager to acquire, but slow to cherish. A better acquaintance with their natural and political advantages, and the experience of thirty years passed under trying vicissitudes, have now established an opinion,

* See the letters of Governor Verelst and Mr. Beecher, in 1769, in the Appendix to Verelst's View of Bengal; in Mr. Francis's Original Minutes, page 100; and Bolt's Considerations, Vol. III. page 199. See also Lord Cornwallis's Letter to the Court of Directors of August 2d, 1789.

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opinion, not only of the practicability of maintaining them, but with many, a confidence approaching to presumption that they cannot be lost. Were we indeed to become secure in this notion, it would be one of our greatest dangers. We are no doubt internally strong, especially in Bengal, and whilst we retain our superiority at sea, we have a peculiar and essential advantage over all enemies, European or Indian. But we ought still to remember that Hindostan is the region of revolutions. A few more successful turns in Benares on the part of so inferior a chief as Cheyte Sing*, would have put all Bengal in commotion. We ought also to remember how much the authority of a handful of strangers depends on *opinion*. To reduce the sources of prejudice against us, and to multiply impressions favourable to us, by assimilating our subjects to our modes of thinking, and by making them happy, and teaching them to understand and value the principles of the people who confer happiness upon them, may be some of the surest means of preserving the footing we have acquired. Under the influence of their original notions, it is impossible they can regard any foreign yoke with a greater degree of predilection than may arise from their deeming it preferable to some other foreign one.

It is indeed no uncommon idea among us, that our only duty towards our Hindoo subjects is to protect them from oppression, and that doing this, the more we "leave them to themselves" the better. But to evince that this vague hypothesis, like some others which have a currency on Indian subjects, must have been hastily adopted from its show, without serious examination, it may be sufficient to observe, that the code of the Hindoos, which they regard as divine, and which establishes not only principles but a multitude of positive minute laws, all held to be immutable, has received no addition for many ages; and as in all societies and affairs of men, the course of time must produce many changes, many new circumstances and combinations, which will require a succession of legal provisions, a code formed in an early stage of society in many respects rude, can never be adequate to the exigencies of all future generations. "These codes," (the Hindoo and Mahomedan) says Lord Cornwallis in the minute before quoted, "are in many respects inapplicable "to the internal government of the country." The Institutes of Menu seem to leave a latitude to the sovereign (who was to be of the kheteree or military caste), with the advice of his Brahmins, to make new regulations according to occurrent necessities. But the Hindoos with whom we have chiefly to do, have had no sovereign of their own faith for many centuries; nor is it to be supposed that their original code has hitherto proved sufficient, even in causes between parties; for the institutions, or personal decisions of their Mahomedan conquerors, must have superseded an appeal to it in many cases. And there is reason to believe that the Hindoo rajahs, whom those conquerors found in possession of the provinces which had before formed a Hindoo empire, as lately they formed the empire of the Moguls, dispensed justice in cases not provided for by the code, according to their own discretion, by a summary verbal process and decision; a practice† not unusual with rulers in Hindostan, which tended however to derogate from the dignity of the courts of justice, and may account in part for our meeting with no ancient judicial records or precedents. From these considerations then it may be concluded, that when the state of society among the Hindoos calls for any new provision, it must be proper and even necessary for us to interfere.

But not to pursue these incidental discussions, since we treat our Indian possessions as permanent and consolidated parts of the British empire, and the impolicy of governing them on any other principle, even if the tenure were uncertain, is well understood, doubtless we stand charged with the duties resulting from a permanent relation: and surely a relation of so serious a nature cannot fail to be productive of numerous duties. It must involve in it various points highly important to the happiness of our subjects, and therefore various corresponding obligations.

If we have appropriated those territories in perpetuity to ourselves, if we have assumed the sovereign dominion of them, if we apply a large portion of their annual produce to the use of Great Britain, if we are avowedly resolved to maintain our possession by arms against all pretensions, foreign or local; if by these measures, as well as by specific declarations, we show that we regard the inhabitants as exclusively and absolutely our subjects,—all the duties of rulers must be incumbent upon us.

We

* *A. D.* 1781.

† The Brahmins, in countries under foreign rulers, are often made referees; but from their general character are little competent, excepting in cases respecting caste.

We are not only concerned to free the people placed under our dominion from evils connected with taxation, such as feudal oppressions and official abuses, which may be termed extraneous grievances, but to look into evils and disorders which arise among themselves, which prevail in their society, and destroy their peace; to enact and enforce wholesome laws for their internal regulation, and in a word, with the affection of a wise and good superior, sedulously to watch over their civil and social happiness. No laboured argument drawn from the nature of government, is necessary to prove this position; the consideration which has been just adverted to, seems naturally to establish it; nor could it ever suit the principles of this nation to hold the Hindoos under its power as slaves, whose labours are exacted without a due return of benefits. Besides, such a system would soon defeat its own end, by reducing the value of the subjugated country. It is a truth perfectly obvious, that our own interest recommends the happiness of that people. The primary object of Great Britain, let it be acknowledged, was rather to discover what could be obtained from her Asiatic subjects, than how they could be benefited. In process of time it was found expedient to examine how they might be benefited, in order that we might continue to hold the advantages which we at first derived from them; and now when we have wisely and for ever fixed a limit to our demand upon them, duty calls upon us to accomplish the remainder of our progressive work, and to exert that solicitude for the gradual improvement of their condition in all points wherein it is still capable of amendment, which is due to them as useful subjects and as fellow creatures, whose happiness is committed to our care.

To elucidate some of those points which thus demand our attention, and to suggest such means of melioration as we may with safety use, is the design of the ensuing pages; in which the method of proceeding shall be; first, to give a view of the present state of our Hindoo subjects with respect to society and morals, illustrated by authentic documents; secondly, to enquire into the causes which have produced that state; and thirdly, to propose remedies for the evils of it, with answers to such objections as are likely to be made to the plan which shall thus be offered to consideration.

CHAP. II.

View of the State of Society among the Hindoo *Subjects of* Great Britain, *particularly with respect to Morals.*

IN prosecuting the proposed inquiry, the state of society and manners among the people of Hindostan, and more particularly among those who inhabit our territories, becomes in the first place a special object of attention. It is an object which perhaps has never yet received that distinct and particular consideration, to which from its importance in a political and moral view, it is entitled.

It has suited the views of some philosophers to represent that people as amiable and respectable; and a few late travellers have chosen rather to place some softer traits of their characters in an engaging light, than to give a just delineation of the whole. The generality however of those who have written concerning Hindostan, appear to have concurred in affirming what foreign residents there have as generally thought, nay, what the natives themselves freely acknowledge of each other, that they are a people exceedingly depraved.

In proportion as we have become better acquainted with them, we have found this description applicable, in a sense beyond the conception even of former travellers. The writer of this paper, after spending many years in India, and a considerable portion of them in the interior of our provinces, inhabited almost entirely by natives, towards whom whilst acknowledging his views of their general character, he always lived in habits of good will, is obliged to add his testimony to all preceding evidence, and to avow that they exhibit human nature in a very degraded humiliating state, and are at once, objects of disesteem and of commiseration. Discriminations in so vast a body as the whole Hindoo people, there must be; though the general features are very similar.

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Among that people, the natives of Bengal rank low; and these as best known and forming the largest division of our Asiatic subjects, are held more particularly in view in this essay. The Mahomedans who are mixed with them, may, in regard to manners and morals, often be comprehended under the same observations; but something distinct shall afterwards be subjoined concerning them.

Of the Bengaleze then, it is true most generally that they are destitute, to a wonderful degree, of those qualities which are requisite to the security and comfort of society. They want truth, honesty, and good faith, in an extreme, of which European society furnishes no example. In Europe those principles are the standard of character and credit; men who have them not are still solicitous to maintain the reputation of them, and those who are known to be devoid of them sink into contempt. It is not so in Bengal. The qualities themselves are so generally gone, that men do not found their pretension in society upon them; they take no pains to acquire or to keep up the credit of possessing them. Those virtues are not the tests by which connections and associations are regulated; nor does the absence of them, however plain and notorious, greatly lower any one in public estimation, nor strip him of his acquaintance. Want of veracity especially, is so habitual, that if a man has truth to defend, he will hardly fail to recur to falshood for its support. In matters of interest, the use of lying seems so natural, that it gives no provocation, it is treated as an excusable indulgence, a mode of proceeding from which general toleration has taken away offence, and the practice of cheating, pilfering, tricking, and imposing, in the ordinary transactions of life are so common, that the Hindoos seem to regard them as they do natural evils, against which they will defend themselves as well as they can, but at which it would be idle to be angry. Very flagrant breaches of truth and honesty pass without any deep or lasting stain. The scandalous conduct of Tippoo, in recently denying to Lord Cornwallis, in the face of the world, the existence of that capitulation* which he had shamefully broken, was merely an example of the manners of the country, where such things occur in common life every day.

In the worst parts of Europe, there are no doubt great numbers of men who are sincere, upright, and conscientious. In Bengal, a man of real veracity and integrity is a great phenomenon; *one conscientious in the whole of his conduct*, it is to be feared, is an unknown character. Every where in this quarter of the globe, there is still much generous trust and confidence, and men are surprised when they find themselves deceived. In Bengal, distrust is awake in all transactions; bargains and agreements are made with mutual apprehensions of breach of faith, conditions and securities are multiplied, and failure in them excites little or no surprise.

A serious proposal made to a native, that he should be guided in all his intercourses and dealings by the principles of truth and justice, would be regarded as weak and impracticable. "Do you know," he would reply, "the character of all those with "whom I have to act? How can I subsist if I take advantage of nobody, while "every person takes advantage of me?" Frauds, deceptions, evasions, and procrastinations, in every line of life, in all professions, perpetually occur, and forgeries also are often resorted to with little scruple.

If confidence is from necessity or credulity at any time reposed, it is considered by the other party as the season of harvest. Few will omit to seize such an opportunity of profit. The chief agent or steward of a landholder or of a merchant, will commonly endeavour to transfer to himself what he can gradually purloin of the property and the influence of his principal; this agent is in the mean time preyed upon in a similar way, though on a smaller scale, by his dependents, especially if prosperity has rendered him less vigilant. But suppose him, by a slow, silent, and systematic pursuit, to have accumulated a large fortune, and to leave it on his death to his son; the son, rich and indolent, is in turn imperceptibly fleeced by his domestic.

Menial servants who have been long in place, and have even evinced a real attachment to their masters, are nevertheless in the habitual practice of pilfering from them. If a nephew is entrusted by an uncle, or a son by his father, with the management of his concerns, there is no certainty that he will not set up a separate interest of his own. Wardships and executorships, trusts of the most necessary and sacred kind, which all men leaving property and infant children must repose in surviving

* Of Coimbetore.

surviving friends, are in too many instances grossly abused. The confidence to which the Bengaleze are most true, is in the case of illicit practices, on which occasions they act upon a point of honour.

Even the Europeans, though in general possessed of power and of comparative strength of character, which makes them to be particularly feared, yet as often as they are careless or credulous in their transactions with the Bengaleze, find that they have fallen into the hands of harpies*.

Through the influence of similar principles, power entrusted to a native of Hindostan seldom fails of being exercised tyrannically, or perverted to the purposes of injustice. Official, or ministerial employments of all sorts, and in all gradations, are generally used as means of peculation.

It has already appeared that the distribution of justice, whenever it has been committed to natives, whether Hindoos or Mahomedans, has commonly† become a traffic in venality; the best cause being obliged to pay for success, and the worst having the opportunity of purchasing it. Money has procured acquittance even for murder. Such is the power of money, that no crime is more frequent, hardly any less thought of, than perjury. It is no extraordinary thing to see two sets of witnesses swearing directly contrary to each other, and to find, upon a minute investigation, that few probably of the evidences on either side have a competent knowledge of the matter in question. Now as these corruptions begin not in the practice of the courts of law, but have their origin in the character of the people, it is just to state them in illustration of that character; for although the legal reforms introduced by Lord Cornwallis will purify, it may be hoped, the fountains of justice, yet the best administration of law will not eradicate the internal principles of depravity.

Selfishness, in a word, unrestrained by principle, operates universally; and money, the grand instrument of selfish gratifications, may be called the supreme idol of the Hindoos. Deprived for the most part of political power, and destitute of boldness of spirit, but formed for business, artful, frugal, and persevering, they are absorbed in schemes for the gratification of avarice.

The tendency of that abandoned selfishness is to set "every man's hand against every man," either in projects, or in acts of open force. From violence however, fear interposes to restrain them. The people of the lower provinces in particular, with an exception of the military caste, are as dastardly as they are unprincipled. They seek their ends by mean artifices, low cunning, intrigue, falshood, servility, and hypocritical obsequiousness. To superiors, they appear full of reverence, of humble and willing submission, and readiness to do every thing that may be required of them; and as long as they discern something either to expect or to fear, they are wonderfully patient of slights, neglects, and injuries. But under all this apparent passiveness and meanness of temper, they are immoveably persisting in their secret views. With inferiors, they indemnify themselves by an indulgence of the feelings which were controuled before; and towards dependents, especially towards those whom an official situation subjects to their authority, they carry themselves with the mean pride of low minds. In the inferior, and by far the most numerous class of the community, where each man is nearly on a level with his neighbour, the native character appears with less disguise. The passions have a freer range, and new consequences are seen to result from the absence of the primary virtues of society. Discord, hatred, abuse, slanders, injuries, complaints, and litigations, all the effects of selfishness unrestrained by principle, prevail to a surprising degree. They overspread the land, they come perpetually before all men in authority. The deliberate malice,

* If the reader should here advert to the many large fortunes which are brought from India, and thence infer that the Europeans make their own part good there, notwithstanding all the dishonest artifices of the Hindoos whom they are obliged to employ, he may be answered, that according to the judgment of the person who writes this, the great mass of the fortunes now acquired, is not by any mode of extortion or exaction taken out of the pockets of individuals. A considerable portion of it is derived from the offices, salaries, contracts, and emoluments, enjoyed under government. Another portion from commerce, particularly foreign commerce, in which Europeans have superior superior enterprize, character, and advantage. And if any part is obtained by forbidden means, still the acquisition may in general be traced ultimately to what is strictly public property, not the property of private individuals. These slight remarks are thrown out as worthy the consideration of those persons, who without examination or inquiry are apt to suspect, that every fortune gained in India is got by extortion. More might be added upon the subject, but it would not suit the design of the present work.

† There may be exceptions. Ibrahim Ali Khan of Benares is reckoned a man of probity.

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malice, the falshood, the calumnies, and the avowed enmity with which the people pursue each other, and sometimes from father to son, offer a very mortifying view of the human character. No stranger can sit down among them without being struck with this temper of malevolent contention and animosity, as a prominent feature in the character of the society. It is seen in every village, the inhabitants live among each other in a sort of repulsive state, nay it enters into almost every family. Seldom is there a houshold without its internal divisions, and lasting enmities, most commonly too on the score of interest. The women partake of this spirit of discord. Held in slavish subjection by the men, they rise in furious passions against each other, which vent themselves in such loud, virulent, and indecent railings, as are hardly to be heard in any other part of the world.

Though the Bengaleze in general have not sufficient resolution to vent their resentments against each other in open combat, yet robberies, thefts, burglaries, river piracies, and all sorts of depredations where darkness, secrecy, or surprize can give advantage, are exceedingly common, and have been so in every past period of which any account is extant. There are castes of robbers and thieves, who consider themselves acting in their proper profession, and having united their families, train their children to it. No where in the world are ruffians more adroit or more hardened. Troops of these banditti, it is well known, are generally employed or harboured by the zemindars of the districts, who are sharers in their booty. They frequently make attacks in bodies, and on those occasions murder is very common. But besides these regular corps, multitudes of individuals employ themselves in despoiling their neighbours. Nor is it only in large and populous places and their vicinity, that such violences are practised; no part of the country, no village is safe from them. Complaints of depredations in every quarter, on the highways, on the water as well as the land, are perpetual. Though these are the crimes more immediately within the reach of justice, and though numbers of criminals have been, and are executed, the evils still subsist. Doubtless the corrupt administration of criminal justice in Bengal, for many years under the authority of the Nabob, has greatly aggravated disorders of this nature; but they have their origin from remoter springs. Robbers among the Hindoos, and frequently thieves also, are educated from their infancy in the belief that their profession is a right one. No ray of instruction reaches them to convince them of the contrary, and the feeble stirrings of natural conscience are soon overborne by example and practice. Besides this, they hold, in common with other Hindoos, the principle of fatalism, which in their case has most pernicious effects. They believe that they are destined by an inevitable necessity to their profession, and to all that shall befal them in it; they therefore go on without compunction, and are prepared to resign life, whenever the appointed period shall come, with astonishing indifference; considering the law that condemns them, not as the instrument of justice, but as the power of a stronger party. And here again it is evident, that a radical change in principle must be produced, before a spirit of rapine, thus nourished, can be cured.

Benevolence has been represented as a leading principle in the minds of the Hindoos; but those who make this assertion know little of their character. How is it possible that benevolence should be vigorous where justice, truth, and good faith are so greatly wanting? Certain modes indeed of distributing victuals to mendicants, and a scrupulous abstinence from some sorts of animal food, are prescribed by the religion of the Hindoos. But the ostentatious distribution is frequently commutative; an offering from the gain of iniquity bestowed on idle and sturdy priests. And though a Hindoo would shrink with horror from the idea of directly slaying a cow, which is a sacred animal among them, yet he who drives one in his cart, galled and excoriated as she often is by the yoke, beats her unmercifully from hour to hour, without any care or consideration of the consequence. Though therefore the institution of the two practices in question, may be urged as an argument for the originally benevolent turn of the religion which enjoined them, it will not at all follow that individuals, who in future ages perform them in obedience to that religion, must also be benevolent; and he who is cruel even to that creature for which he is taught by his religion to entertain the highest reverence, gives the strongest proof of an unfeeling disposition. It is true that in many cases they are strict in observing forms. These are indeed their religion, and the foundation of their hopes; their castes are implicated in them, and in their castes their civil state and comfort. But of the sentiments which the forms would seem to indicate, they are totally regardless.

Though

Though from the physical structure of their bodies they are easily susceptible of impressions, yet that they have little real tenderness of mind, seems very evident from several circumstances. The first that shall be mentioned is the shocking barbarity of their punishments. The cutting off legs, hands, noses, and ears, putting out of eyes, and other penal inflictions of a similar kind, all performed in the coarsest manner, abundantly justify our argument.

A similar disposition to cruelty is likewise shown in their treatment of vanquished enemies. And in general a want of sensibility for others is a very eminent characteristic of this people. The apathy with which a Hindoo views all persons and interests unconnected with himself, is such as excites the indignation of Europeans. At any rate his regards extend but to a very narrow circle. Patriotism is absolutely unknown in Hindostan.

These observations lead us to another striking proof of want of benevolence in the Hindoos; namely, their deficiency of natural affection. It is admitted that examples are not very uncommon of parents who show much tenderness to their children, especially during their infancy; but instances on the other side are so general, as clearly to mark the dispositions of the people. The following fact is one out of many, by which this assertion might be justified. In the scarcity of grain which prevailed about Calcutta in the year 1788, a gentleman then high, now still higher in office there, ordered his servants to buy any children that might be brought for sale, (for in times of dearth Hindoo parents frequently sell their offspring,) and to tell their mothers, that when the scarcity should be over, they might come again and receive their children back. Of about twenty thus humanely preserved, most of whom were females, only three were ever enquired for by their mothers. The scarcity was neither extreme nor long. The unnatural parents cannot be supposed to have perished from want, for each received money for her child, and by the liberal contribution of the inhabitants of Calcutta, and chiefly of the Europeans, rice was distributed daily to multitudes at various stations about the city. And yet notwithstanding this facility of obtaining food, a woman was at that time seen, in broad day, to throw away her infant child upon the high road. Most of the slaves in Hindostan (where they are used only for domestic services) have lost their freedom by the act of their parents. If the necessity is such at times as to lead to this expedient, is it not also an occasion to call forth the warmth of parental affection? Filial and paternal affection appear equally deficient among them; and in the conjugal relation, the characteristic indifference of the people is also discernible among those who come most within the sphere of European observation, namely, the lower orders.

The domestic state of the better ranks is more concealed from general view; but from the knowledge which is acquired, and from the peculiar usages by which marriage is governed among the Hindoos, we have no reason to believe that it is often sweetened by generous attachment or rational enjoyment. The parties betrothed by their parents whilst mere children, transplanted, with minds uncultivated and inexperienced, from the maternal zenana* into one of their own, united whilst reason is still in its infancy, can give little more account of the situation in which they find themselves than animals of a lower species. Affection and choice have had no influence in this connection, nor does it often happen that the former is studied and improved. The parties continue passive under that law which first brought them together. According to the despotic manners of the East, the husband is lord, and the wife a servant; seldom does he think of making her a companion or a friend. Polygamy, which is tolerated among the Hindoos, tends still more to destroy all rational domestic society. The honour of the family, and the preservation of its caste, the most awful of its concerns, depends on the reputation of the wife. She is secluded from all eyes but those of her nearest relations, and the most terrifying and disgraceful punishments are held out against misconduct. From so early an union, and such subsequent care, Europeans may suppose that order and decorum reign in the Hindoo zenanas; but the conclusion is founded on conjecture, rather than upon actual knowledge. The profound reserve and caution observed by the men in their conduct, and even in their conversation, respecting their family connections, keep all foreigners at a distance; and it is to the honour of the English, that there is perhaps no instance of their attempting an invasion of the domestic recesses of the Hindoos. But those who have an opportunity of living among the natives in the interior of the country,

* The private apartments of the women.

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country, see reasons for apprehending that the purity of the female character is not always so well preserved in reality, as in appearance.

In a residence of several years entirely among the natives, the present writer heard so many charges of irregularity, and saw so many disorders among the inferior ranks, that he could not but believe the existence of a gross laxity of behaviour and principle in this great branch of morals, in some degree at least reaching to the better classes. But the disgrace and loss which follow to the family from the proof of dishonour in the wife, are such as to induce the parties concerned to hush up all matters of that sort, and to take their revenge in some secret way; they will seldom seek redress openly, unless the affair has already become notorious. Accusations by others of such contaminations in families, are very common among the lower Hindoos, and scandals of the same kind pass among the higher orders. Enmity, it is true, may be supposed to have its share in these charges; it may occasionally fabricate them, and is undoubtedly active in bringing them forward; but that it should always invent them, and should persevere in a succession of inventions which experience was ever ready to discredit, is not to be conceived. The truth is, the Hindoo writers, and the Hindoo laws, express the worst opinion of their women, and seem to place all security in vigilance, none in principle. And indeed what fund of principle can minds which have received no improvement in education, and in which reason as yet has hardly begun to act, carry into a premature and unchosen conjugal relation? a relation, the early commencement of which, is probably to be ascribed to the apprehension of parents for the conduct of their children. Imperious dominion, seclusion and terror, are the means afterwards used, to enforce the fidelity of the wife. But opportunities of guilt are not wanting. In the hours of business, men are generally at a distance from the retirements of the women; they are often, and for considerable periods, far from home; females, who are the great instruments of corrupting their own sex, are permitted access to the zenanas; besides the Hindoo law allows women to converse with Soneassees, a set of vagrant devotees, some of them most indecent in their appearance. The consequences are such as might be expected.

It is not however asserted or believed, that the infection of depravity has overspread the whole mass of females, many of whom, doomed to joyless confinement through life, and a violent premature death, are perhaps among the most inoffensive and suffering of the Hindoo race. As to the men, they are under little restraint from moral considerations. The laws of caste impose restrictions and fines for offences of the nature in question, so far as *that distinction* is concerned, but leave great scope for new connections, and for promiscuous intercourse, which is matter of little scruple or observation. Receptacles for women of infamous character are every where licensed, and the women themselves have a place in society. The female dancers, who are of this order, make the principal figure in the entertainments of ceremony given by the great. Indecency is the basis of their exhibitions; yet children and young persons of both sexes are permitted to be present at these shows, which have admittance even into the principal zenanas*. Licentious connections are therefore most common, though subsisting apparently without that intoxication of passion which hurries on the mind against conviction, and carried on without much concealment, nay almost with the insensibility of brutes. On such points, the Hindoos seem to advert to no rule except what the law enjoins; there is no sentiment, diffused at large through society, which attaches shame to criminality. Wide and fatal are the effects of this corruption of manners; a corruption not stopping here, but extending even to the unnatural practices of the ancient Heathens, though in these the Mahomedans are still more abandoned.

Europeans who not having *resided* in Asia, are acquainted only with a few detached features of the Indian character, may possibly feel some doubt whether this sketch, which professes to trace but the greater and more palpable lines, is to be received as a sober and faithful representation. They will reason concerning the Hindoos from what they have seen of human nature elsewhere; and it is unquestionably true, even that part of Europe which is most corrupt, offers no such picture as that which has been drawn in the preceding pages. They may be staggered too by having heard many discordant opinions on this very subject. For some modern philosophers already hinted at, whose aim has been to subvert, together with revealed religion, all ideas

* Lord Cornwallis, soon after his arrival in Bengal, refused to be present at an entertainment of this sort, to which he was invited by the Nabob.

ideas of the moral government of the Deity, and of man's responsibility to him, have exalted the natives of the East, and of other pagan regions, into models of goodness and innocence. Other writers, with far better views, indignant at the alledged delinquencies of Europeans in Hindostan, have described the natives of that country as a harmless, kind, peaceable, and suffering race. Others again, speak rather from an admiration inspired by the supposed past state of the Hindoos, mixed with pity for their present situation, than from experience of their actual qualities and dispositions. And there may be others still, who have not had much personal experience of the evils resulting from the state of society among the Hindoos, but being pleased with their obsequiousness, and easily acquiescing in the licenciousness prevalent among them, have been willing to treat of their character and proceedings with indulgence. The doubts, however, arising from these sources, will it is hoped, be entirely removed by the corroborating testimonies now about to be produced.

It is indeed true, that travellers are apt to form their opinions of countries and of nations from what they have themselves happened to see; and it is also to be remembered, that of the many Europeans who have visited India, especially in later times, the opportunities, the means, and perhaps the desire, of information, have been very different. We may all be sensible that more accurate observation, and mature experience, often correct the first impressions we receive, even of European countries or places new to us; and that it is no easy work to attain to a just and comprehensive knowledge of the character of any people. Whilst an European, deriving a superiority from his race, or from the station he is appointed to fill, regards only in a distant speculative way the effeminate exterior, adulatory address, and submissive demeanor of the Hindoos, he naturally enough conceives them to be a people in whom the mild and gentle qualities predominate. He is apt to consider them with a mixture of complacency and contempt; and even the bad dispositions towards each other, which he soon discovers to exist in them, he may view with feelings analogous to those which the petty malignity of children, or of beings of a diminutive species, might excite. But let him enter into dealings with them, let him trust them, or become in concerns of importance dependent on them; let him in short by these, or any other means, come more upon a level with them, and he will then learn better to appreciate their real character. Let it therefore be recollected, that as members of the same community they always stand, in many respects, on such a level with each other, suffering continually from mutual injuries; and that it is in thus viewing them, in considering not so much the mischiefs which they can do to us, as the evils which they diffuse through their own society, that we shall assign to them their true place in the moral scale. Whether that is done here, shall therefore be chearfully left to the determination of those who have had a long residence among them, and extensive dealings with them. It is believed, that no person of this description will think the picture now given, adds fictitious features, or aggravates real ones *.

It will not however be understood, that what is here advanced generally, is to be applied to the utmost extent to every individual, and every transaction; it is the universality of great depravity that is here insisted on,—a general moral hue, between which, and the European moral complexion, there is a difference, analogous to the difference of the natural colour of the two races.

There is a standard to which, for the elucidation of this subject, we may largely appeal,—the records of the East-India Company, which contain an immense collection of facts respecting the Hindoos, and relating to various subjects, political, judicial, financial, and commercial. Those records, less frequently profess to treat of character and common life, than of matters of business; but it continually happens, that they incidentally develope the principles and conduct of the Hindoos, and that in a more convincing way than if the primary object had been to describe them.

Nor

* It may be proper to remark, that the features here delineated, are taken from the Hindoo character as it generally exists in civil life. Those gentlemen who have passed their time chiefly in our Indian armies, may not have seen it with exactly the same aspects. The military caste of the Hindoos have a portion of those qualities which usually accompany the profession of arms: better pay, better treatment, and our high reputation in war, make it their interest to attach themselves to our service; they are withdrawn from many of the collisions of civil affairs, and they are under the powerful control of military discipline, which, with the habits of military life, must throw a perceptible distinction into their character, at least while they remain embodied in our employ; but when they retire and separate, they assimilate more to the rest of their countrymen.

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Nor do they contain the mere representations of Europeans, who might be suspected of a tincture of partiality in this case, but the natives are themselves brought upon the stage, and heard concerning each other. These records will be found abundantly to substantiate all that is here advanced.

To introduce a great variety of quotations from so copious a source, (as numerous as they must be, to do justice to the subject,) is not within the compass of the brief exposition here intended; but after having previously stated the opinion of an intelligent traveller, who observed the manners of the Hindoos in the last century, we shall select a few extracts, containing the sentiments of persons of distinguished information and respectability, writing at different periods, without any concert with each other, and under no temptation to depreciate the people of whom they speak.

BERNIER, about 1670.

"Ces sortes de rois barbares n'ont *aucune véritable générosité*, et *ne sont guères* "*retenus par la foi qu'ils ont promise*, ne regardant qu'à leurs intérêts présens, sans "songer mêmes aux malheurs qui leur peuvent arriver de leur perfidie, et de leur "brutalité.

"Pour se tirer de leurs mains, il faut être ou le plus fort, ou n'avoir rien qui "puisse exciter leur avarice."

"Je ne sai s'il y a au monde, *une nation plus avare et plus sordide que celle-là*."

"Les Brahmens entretiennent ces peuples dans ces erreurs et superstitions, et *passent même jusques à des fourberies et à des vilainies si infâmes*, que je ne les aurois jamais pû croire, si je ne m'en étois pleinement informé*."

MR. SCRAFTON, 1759.

"The Gentoos *are found still more cruel and rapacious than their foreign masters*, "and what is more extraordinary, *the Brahmens still exceed the rest in every abuse* "*of power*, and *seem to think if they bribe God, by bestowing part of their plunder* "*on cows and faquirs, their iniquities will be pardoned.*"

"*Loyalty* and *patriotism*, those virtuous incentives to great and noble actions, *are here unknown*; and when they cease to fear they cease to obey."

"Such of the *Brahmens* as engage in the world, *are generally the worst of all the* "*Gentoos; for persuaded that the waters of the Ganges will purify them from their* "*sins, and being exempted from the utmost rigour of the courts of justice* under the "Gentoo government, *they run into the greatest excesses*†."

GOVERNOR HOLWELL, about 1760.

"A race of people, who from their infancy *are utter strangers to the idea of com-* "*mon faith and honesty.*"

"This is the situation of the bulk of the people of Indostan, as well as of the "modern Brahmins; amongst the latter, if we except one in a thousand, we give "them over measure."

"*The Gentoos in general, are as degenerate, crafty, superstitious, litigious, and* "*wicked a people, as any race of people in the known world, if not eminently more so,* "*especially the common run of Brahmins*; and we can truly aver, that during almost "five years that we presided in the Judicial Cutchery Court of Calcutta, *never any* "*murder or other atrocious crime came before us, but it was proved in the end a* "*Brahmin was at the bottom of it.*"‡

LORD CLIVE, 1765.

"The inhabitants of this country we know by long experience, *have no attach-* "*ment to any obligation.*§"

GOVERNOR

* Voyages de François Bernier, Tome I. page 150, 162. et Tome II. page 105.

† Reflections on the Government of Hindostan, by Luke Scrafton, Esq. pages 26, 27. See in the same work, page 19 & seq. a striking character of the Mahomedans of rank in India.

‡ Holwell's Historical Events, Vol. I. page 228, and Vol. II. page 151.

§ Cited by Bolt's Considerations, Vol. III. Appendix A, page 33.

GOVERNOR VERELST*, about 1768.

" It is customary with these people to spin out treaties to an immoderate length; " *avaricious in the highest degree, they endeavour by every artifice to encrease* " *their exorbitant demands; and faithless themselves, they are suspicious of the* " *faith of others.*"

" His (Haffez Rahmet Caun's) character has little to distinguish it, *except that low* " *cunning, intrigue, and deceit, so general in this country.*"

" The Nabob Sujah-al-Dowlah, is our next ally, and *if gratitude can be any tie* " *on an Hindostan heart,* we have every reason to look upon him as connected with " us by the most indissoluble bonds."

" His (Jewhar Sing's) character, like the majority of the great in Hindostan, is " that of a man absorbed in pleasure and luxury, weak, vain-glorious, aspiring, with- " out experience or abilities."

" The body of the people are in a manner formed to bear the yoke. They possess " nothing of the inquisitiveness of the European nations, and the most slender arts " (i. e. in things unknown to them) are sufficient to obscure their understanding, and " fit them for implicit submission."

" *It would be as easy to change the genius and manners of the people, as to* " *prevent the Banians and followers of men in station, from abusing their master's* " *name.* Chastisements may deter the oppression for a moment, but in such " cases, *the servility of the people must be removed before oppression can be* " *eradicated.*"

" An Englishman will ever be unfit to follow *the subtle native through all his arts.* " The *treachery of Hindostan professions will prepare* him better for the frank " declarations of his English allies."

" *The venality which forms part of the genius of the people, and which is known* " *to be openly exercised, or tacitly allowed by government, without drawing any* " *shame or discredit on the guilty, or being thought any peculiar hardship on the* " *injured . . . . . .*"

" *Every person of any substance or character in this country, has been successively* " *tried in the department of the collections. Fear, reward, severity, and indulgence,* " *have all failed,* and ended in a short political forbearance, *or additional acts of* " *dishonesty and rapine.*"

" The *evasions and artifices which are familiar to the natives of this country,* have " often been successful in screening them from that open and manifest detection " which can justify punishment."

" Certain it is, that *almost every decision of theirs* (the Mahomedan judges, who " continued to decide in criminal matters to the time of Lord Cornwallis) *is a* " *corrupt bargain with the highest bidder.* The numerous offences which are com- " promised by fines, have left a great latitude for very unjust determinations. Trifling " offenders, and even many condemned on fictitious accusations, are frequently " loaded with heavy demands; *and capital criminals are as often absolved by the* " *venal judges.*"

" *The peculiar punishment of forfeiting castes,* to which the Hindoos are liable, " *is often inflicted from private pique and personal resentment among themselves* †."

The GOVERNOR (MR. HASTINGS) and COUNCIL of BENGAL, about 1772.

" The deceits of Bengal are not, like the robbers in England, individuals driven " to such desperate courses by sudden wants. *They are robbers by profession, and* " *even by birth; they are formed into regular communities, and their families subsist* " *by the spoils which they bring home to them*; they are all therefore alike criminal; " wretches who have placed themselves in a state of declared war with government, " and are therefore wholly excluded from every benefit of its laws. *We have many* " *instances of their meeting death with the greatest insensibility.*"

" *The*

* Besides what has been already said of him, we may add that he was a well informed servant of the Company; and that many papers in the Appendix to his " View of Bengal," are valuable.

† Verelst's View of the English Government in Bengal; Original Papers in the Appendix, pages 58, 102, 103, 105, 108, &c.

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" *The litigiousness and perseverance of the natives of this country in their suits* " *and complaints*, is often productive, not only of *inconvenience and vexation to their* " *adversaries, but also of endless expence and actual oppression.*"

" To curb and restrain trivial and groundless complaints, *and to deter chicane* " *and intrigue, which passions amongst these people often work to the undoing of* " *their neighbours**. . . . . ."

MR. SHORE†, about 1783 or 1784.

" The *natives are timid and servile.* As individuals they are *insolent to their* " *inferiors*; to their superiors, generally speaking, submissive, though they are to " them *also guilty of insolence when they can be so with impunity.* Individuals *have* " *little sense of honour*, and *the nation is wholly void of public virtue. They make not* " *the least scruple of lying where falsehood is attended with advantage*; yet both Hin- " doos and Mahomedans, continually speak of their credit and reputation, by which " they mean little more than the appearance they make to the world."

" *Cunning and artifice is wisdom to them. To deceive and over-reach, is to acquire* " *the character of a wise man. The greatest disgrace they can suffer, is to lose their* " *caste, or as we say, to be excommunicated.* This punishment is inflicted for the " breach of the injunctions of their religion, or what is the same, of the ordinances " of their priests."

" *To lie, steal, plunder, ravish, or murder, are not deemed sufficient crimes to merit* " *expulsion from society.*"

" *With a Hindoo, all is centered in himself; his own interest is his guide*; " ambition is a secondary quality with him, and the love of money is the source of " his passion."

" The advantage they derive over Europeans, is *by practising those arts of mean-* " *ness, which an European detests.* A MAN MUST BE LONG ACQUAINTED WITH " THEM‡, *before he can believe them capable of that barefaced falsehood, servile* " *adulation, and deliberate deception, which they daily practise.* It is in vain that we " search for men of enlightened understanding, deep reasoning and reflection, among " the natives. The education of the Hindoos is confined to their being taught their " own language. The Mahomedans are little better instructed: the acquisition of a " few moral or political maxims, which in practice they neglect, is all they know of " the art of government: if exceptions can be found, they are very rare. An " Englishman cannot descend to *those little practices of oppression, or extortion, so* " *familiar to the natives, his mind revolts at the idea of them.* And admitting even " that some are by habit, connection, or necessity, become depraved, there is, after " all, in every breast, *a sense of honour and virtue that recoils from the low vicious* " *acts of a native of Bengal.* It is the business *of all, from the Ryott to the* " *Dewan, to conceal and deceive; the simplest matters of fact are designedly covered* " *with a veil, through which no human understanding can penetrate*§."

SIR JOHN MACPHERSON, Governor General, about 1785-6.

" I am afraid that the picture which he (Mr. Shore) draws, and the low ebb at which he states the popular virtues of the Bengalize, are *not fictitious repre-* *sentations*‖."

COLONEL SIR ROBERT BARKER.

" It is well known that neither promises nor oaths, have been able to bind this " treacherous sect of people to their engagements. Sujah Dowlah was like all other " Indostanners, not observing much faith when it was his interest to do otherwise¶".

The transcriber of the preceding pages, writing at a distance from public offices, and possessed of few unpublished documents, is not able to adduce any comprehensive

* Reports of the Secret Committee of the House of Commons, 1772. Appendix, No. 2.

† Now Governor General of Bengal.

‡ To this declaration from a witness eminently competent, attention is particularly requested.

§ The whole of this curious paper is inserted in the Parliamentary proceedings against Mr. Hastings, Appendix to Vol. II. page 67.—*The Remarks in the preceding sheets were penned before this document was examined by the writer of them.*

‖ Parliamentary Proceedings against Mr. Hastings, Appendix to Vol. II. page 65.

¶ Ibid. Appendix to Vol. I. page 229. and Vol. II. page 8.

sive opinion delivered by Lord Cornwallis, respecting the natives; but in the many papers on almost all subjects connected with his government, which his Lordship has entered on the records of the Company during his administration, his sentiments must be abundantly seen, and to those papers the reader is referred, without fear of their contradicting the views here given. A government of reform, like his Lordship's, implies a sense of many existing evils, and the conduct in one striking instance, of a person so considerate and humane, is entitled to particular notice. Though civil and attentive to the natives, *he has reposed no confidence in any one of them, nor has he had a single individual, either Hindoo or Mahomedan, about his person, above the rank of a menial servant, contrary to the general usage of men occupying such stations as he filled.*

Upon one very important subject, the criminal justice of the country, to the administration of which, Lord Cornwallis has given a new constitution, some of his observations, written as introductory to that essential improvement, are here exhibited.

3d DECEMBER, 1790.

" The regulation of justice in criminal cases, although constituting one of the most " essential requisites of good government, yet never appears (as far as can be traced) " to have received the attention it so well merits, under any system, either of the Mogul " or Hindoo administration, in India.....The next alteration I would propose is that " already alluded to, in regard to the option left to the next of kin, to remit the sentence " of the law and pardon the criminal. The evil consequences, and the crimes which " hereby escape punishment, are so manifest and frequent, that to take away the dis- " cretion of the relations, seems absolutely requisite to secure an equal administration " of justice, and will constitute a strong additional check on the commission " of *murder, and other crimes, which are now no doubt often perpetrated, under the* " *idea of an easy escape through the notorious defect of the existing law,* which at " first perhaps was confined to appeals, or private prosecutions, by the next of kin, " and had no application to public prosecutions in the name of the sovereign; and " which is besides peculiarly inapplicable to this country (however it may have " suited the society it was orignally intended for); because where *Brahmins commit* " *murder on any person of the Hindoo religion, they know that they do so with almost* " *perfect impunity,* since in most cases it cannot be expected that any Gentoo will " ever desire, or be consenting to the death of a Brahmin, of which a case exactly " in point, is now depending before the Board, from Benares, where *a Brahmin having* " *wantonly killed his wife, has, although confessing and convicted of the crime, been* " *pardoned by her relations.* But it is unnecessary to have recourse to the testi- " monies of the magistrates, *to prove the abuses practised in these courts.* The " multitudes of criminals with which the jails in every district are now crowded, *the* " *numerous murders, robberies, and burglaries, daily committed, and the general inse-* " *curity of person and property, which prevails in the interior parts of the country,* " are melancholy proofs of their having long and too generally existed. The " inefficacy of the clause in the engagements of the land-holders, making them res- " ponsible for all robberies, has been long experienced, and so far from protecting " the country, they or their police officers (who in general purchase their appoint- " ments, or pay an annual consideration for them) are but too often concerned in " the enormities it is their duty to prevent."

When this great change in the administration of criminal justice was in contemplation, various queries were proposed to the English magistrates, stationed throughout the country, respecting the existing state of the police. Their answers, which are inserted at length in the records of the Bengal government, present a scene of shocking disorder. As it would be too tedious to insert the whole of them upon a subject so little questionable, one only, which goes into character as well as facts, shall be quoted. It is from Mr. Rocke, the magistrate of Jessore.

DECEMBER, 1789.

" The punishments however, though they exceed in variety and severity, those " inflicted by a British court of justice, do not appear at all adequate to the suppres- " sion of crimes; and of this the Fougedary records, to the present hour, will bear a

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" melancholy testimony, as well with regard to the number, as the nature of the " offences, always to be found in the calendar. The partiality of the natives of this " country to a profession they have once embraced, and their extreme reluctance to " quit it, are notorious. The same principle and inherent prejudice, which attach " the mechanic to his particular line of profession, operate equally upon the robber, " house-breaker, or murderer, who, desperate as his occupation is, cherishes it " as much, holds it as dear, and follows it as systematically, as the peaceful merchant " his easy and lucrative one. Besides this, the constitutional apathy of the natives " of this country, and the patience with which they endure pain, and even resign life, " render them, for the most part, regardless of corporal sufferance; and principally " to this cause may be ascribed the reason, why crimes of all descriptions still " continue to be perpetrated, although such frequent sacrifices are made to the " offended laws."

" Of the effects produced by the different modes of punishment in this country, " we have frequent experience. It may be needless to particularize the milder ones " inflicted for trifling offences, as their effects may be judged of from what we see " produced by those of greater magnitude, and more severe nature. Perpetual im- " prisonment is, I think, improperly regarded as a punishment of a higher order. " To British minds, the idea it conveys is indeed dreadful; but there is nothing in it " so terrible to a native of Bengal, to whose natural indolence and inactivity, a life of " this nature is perfectly congenial, and whilst the necessaries and comforts of life " are within their reach, the restraint they are under is a circumstance of no great " hardship to them, being seldom or never so close as to debar them from intercourse " with the rest of the world. The effects of this punishment are, I apprehend, " never such as must evidently have been expected from it, as being in rank imme- " diately next to a capital one. Loss of a hand, or a foot, is undoubtedly a punish- " ment of a very severe nature, as being not only a painful and dangerous operation, " but at once depriving the body of a most useful limb, and stamping a mark of " indelible infamy upon it, and yet this is so little regarded, that *many an offender, on* " *apprehension, is found to have already forfeited a limb, and sometimes even two, to* " *the laws. Death*, the last, and in the general opinion of mankind, the greatest of " all punishments, fails here greatly of its intended effect. *Fortified by their strong* " *religious prejudices and notions of predestination, and not unfrequently elated with* " *the idea of suffering as martyrs to the cause, and amidst the prayers and applauses* " *of their confederates, criminals in this country, meet death with indifference and* " *composure.*"

Authentic relations of the transactions of Hindoo nations, and Hindoo individuals with each other, would constitute a very satisfactory kind of evidence in the illustration of their character. But of true history they possess few records. The genius of the government, and the genius of the people, were alike unfavourable to that species of composition. Such accounts however as have reached us of their ancient wars, exhibit pictures of eminent cruelty and injustice.

Of recent times, the public occurrences, in which Europeans have been parties or witnesses, are generally diffused through voluminous official writings, which if accessible, could not be perspicuously contracted within one division of this limited work; and of private observation and experience, which might have furnished many curious and instructive collections, seldom has it been the practice to register accurate details. But happily one testimony presents itself, which unites with unquestionable authority, views of Hindoo character, in a country never under a Mahomedan power. This country is Nepaul, and the relation is given by Father Joseph, a Romish missionary of known respectability in Bengal, from whom it was communicated by Mr. (now Sir John) Shore, to the Asiatic Society*. Father Joseph was in Nepaul in the year 1769. Three chiefs of that region then contended for sovereignty, and some of their proceedings are described in the following extracts.

" The inhabitants of Certipore, receiving no support from the King of Lelit- " Pattan, to whom they were subject, applied for assistance to Gainprejas, who " immediately marched with his whole army to their relief, gave battle to the army " of the King of Gorc'ha, and obtained a complete victory. A brother of the King " of Gorc'ha was killed on the field of battle, and the King himself, by the assistance " of good bearers, narrowly escaped with his life by fleeing into the mountains.

" After

* Asiatic Researches, Vol. II. page 307.

" After the action, the inhabitants of Certipore demanded Gainprejas for their " King, and the nobles of the town went to confer with him on the business; *but* " *being all assembled in the same apartment with the King, they were all surprised* " *and seized by his people. After the seizure of those persons, Gainprejas, perhaps* " *to revenge himself of these nobles for having refused their concurrence to his* " *nomination as King* (upon a former occasion) *privately caused some of them to be* " *put to death; another, by name Danuvanta, was led through the city in a woman's* " *dress, along with several others, cloathed in a ridiculous and whimsical manner,* " *at the expence of the nobles of Lelit-Pattan.* They were then kept in close con- " finement for a long time; at last, after making certain promises, and interesting " all the principal men of the country in their behalf, Gainprejas set them at " liberty. . . . . "

" The King of Gorc'ha, despairing of his ability to get possession of the plain " of Nepaul by strength, *hoped to effect his purpose by causing a famine*; and with " this design, stationed troops at all the passes of the mountains, to prevent any " intercourse with Nepaul: *and his orders were most rigorously obeyed, for every* " *person who was found in the road, with only a little salt or cotton about him, was* " *hung upon a tree; and he caused all the inhabitants of a neighbouring village,* " *to be put to death in a most cruel manner; even the women and children did not* " *escape, for having supplied a little cotton to the inhabitants of Nepaul; and when* " *I arrived in that country at the beginning of* 1769, *it was a most horrid spectacle* " *to behold so many people hanging on trees in the road.* However the King of " Gorc'ha, being also disappointed in his expectations of gaining his end by this " project, fomented dissensions among the nobles of the three kingdoms of Nepaul, " and attached to his party many of the principal ones, by holding forth to them, " liberal and enticing promises, for which purpose he had about two thousand " Brahmins in his service. . . . . "

" The inhabitants of Certipore having already sustained six or seven months " siege, a noble of Lelit-Pattan, called Danuvanta, fled to the Gorc'ha party, and " treacherously introduced their army into the town; the inhabitants might still " have defended themselves, having many other fortresses in the parts of the town " to retreat to; but the people of Gorc'ha having published a general amnesty, the " inhabitants, greatly exhausted by the fatigues of a long siege, *surrendered them-* " *selves prisoners upon the faith of that promise.* In the mean time the men of " Gorc'ha seized all the gates and fortresses within the town; *but two days after-* " *wards, Prit'hwinarayan, who was at Navacuta* (a long day's journey distant) " *issued an order to Suruparatna, his brother, to put to death some of the principal* " *inhabitants of the town, and to cut off the noses and lips of every one, even the* " *infants, who were not found in the arms of their mothers, ordering at the same* " *time, all the noses and lips which had been cut off, to be preserved, that he might* " *ascertain how many souls there were, and to change the name of the town* " *into Naskatapur, which signifies the town of cut-noses. The order was carried* " *into execution with every mark of horror and cruelty, none escaping but those who* " *could play on wind-instruments*; although Father Michael Angelo, who without " knowing that such an inhuman scene was then exhibited, had gone to the house of " Suruparatna, interceded much in favour of the poor inhabitants. Many of them " put an end to their lives in despair; others came in great bodies to us in search " of medicines, and it was most shocking to see so many living people with their " teeth and noses resembling the skulls of the deceased."

" During the siege of Cat'hmandu, the Brahmins of Gorc'ha came almost every " night into the city, to engage the chiefs of the people on the part of their King; " and the more effectually to impose upon poor Gainprejas, many of the principal " Brahmins went to his house, and told him to persevere with confidence, that the " chiefs of the Gorc'ha army were attached to his cause, and that even they them- " selves would deliver up their King, Prit'hwinarayan, to his hands. Having by " these artifices procured an opportunity of detaching from his party all his principal " subjects, tempting them with liberal promises according to their custom, one night " the men of Gorc'ha entered the city without opposition, and the wretched Gain- " prejas, perceiving he was betrayed, had scarce time to escape with about three " hundred of his best and most faithful Hindostany troops, towards Lelit-Pattan, " which place however he reached the same night."

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" The King of Gorc'ha, having made himself master of Cat'hmandu in the year " 1768, persisted in the attempt of possessing himself also of the city of Lelit-" Pattan, promising all the nobles that he would suffer them to remain in the " possession of their property, that he would even augment it; and because the " nobles of Lelit-Pattan placed *a** reliance on the faith of his promises, he sent his " domestic priest to make this protestation, That if he failed to acquit himself of " his promise, he should draw curses upon himself and his family, even to the fifth, " past, and succeeding generation: so that the unhappy Gainprejas, and the King " of Lelit-Pattan, seeing that the nobility were disposed to render themselves " subject to the King of Gorc'ha, withdrew themselves with their people to the " King of B'hatgan. When the city of Lelit-Pattan became subject to the King " of Gorc'ha, he continued for some time to treat the nobility with great attention, " and proposed to appoint a viceroy of the city from among them. Two or three " months afterwards, having appointed the day for making his formal entrance into " the city of Lelit-Pattan, *he made use of innumerable stratagems to get into his* " *possession the persons of the nobility, and in the end succeeded.* He had prevailed " upon them to permit their sons to remain at court, as companions of his son; he " had dispatched a noble of each house to Navacut, or New Fort, pretending that " the apprehensions he entertained of them had prevented his making a public " entrance into the city; *and the remaining nobles were seized at the river without* " *the town, where they went to meet him, agreeable to a prior engagement.* After-" wards he entered the city, made a visit to the temple of Baghero, adjoining to " our habitation, and passing in triumph through the city amidst immense numbers " of soldiers, who composed his train, entered the royal palace which had been " prepared for his reception; in the mean time, parties of his soldiers broke open " the houses of the nobility, seized all their effects, and threw the inhabitants of the " city into the utmost consternation. *After having caused all the nobles who were* " *in their power to be put to death, or rather their bodies to be mangled in a horrid* " *manner*, he departed with a design of besieging B'hatgan, and we obtained per-" mission, through the interest of his son, to retire with all the christians into the " possessions of the English."

A multitude of other quotations which might be made in illustration of the Hindoo character, both from modern publications and from authors of more ancient date, as Sir Thomas Rowe, Hamilton, Baldæus, Nieuhoff, Tavernier, and others, are for the sake of brevity omitted; but as it may be interesting to see the sentiments of so distinguished a character as Timour, or Tamerlane, upon the subject in question, these extracts shall be closed with a quotation from his Institutes, supposed to have been compiled *A. D.* 1400.

" The inhabitants of Hindostan are equally debilitated in their corporeal, and " inert in their mental faculties; inexorable and penurious to such an extreme, that " only personal violence can enforce justice. Regardless of honour, and indecent in " their dress, they sacrifice their lives for trifles, and are indefatigable in unworthy " pursuits; whilst improvident and imprudent, their ideas are confined and views " circumscribed. When reduced to poverty, they patiently have recourse to the " most menial employments, forgetting their previous circumstances, and *seldom* " quitting the world without injuring their benefactors; but whilst the acquisition of " riches tempers every atrocity, indolence pervades their most momentous transac-" tions. The native of Hindostan has no pretensions to humanity but the figure; " whilst imposture, fraud, and deception, are by him considered as meritorious " accomplishments †."

Of the Mahomedans, who mix in considerable numbers with the former inhabitants of all the countries subdued by their arms in Hindostan, it is necessary also to say a few words. Originally of the Tartar race, proud, fierce, and lawless; attached also to their superstition, which cherished their native propensities; they were rendered by success yet more proud, sanguinary, sensual, and bigotted. Their government, though

* So in the original; but it seems to be an error of the press, the sense requiring that it should be "*no* reliance."

† Mackay's Asiatic Miscellany, Vol. I. page 279. This picture may be compared with that which Sir John Shore, drawing likewise from the life, more than three hundred years afterwards, has delineated. If it be said, that these are the representations of conquerors and foreigners, it may be replied, that they are not opinions advanced in a state of hostility or controversy, but mature observations, made in a time of settled government, after many years experience of the behaviour of the Hindoos to each other.

CHAP. II.
View of the Morals of the Hindoo Subjects of Great Britain.

though meliorated under the house of Timour, was undoubtedly a violent despotism, and the delegated administration of it too often a severe oppression. Breaking through all the restraints of morals which obstructed their way to power, they afterwards abandoned themselves to the most vicious indulgences, and the most atrocious cruelties. Perfidy in them, was more signal than in the Hindoos. Successive treacheries, assassinations, and usurpations, mark their history more perhaps than that of any other people. The profession of arms was studied by them, and they cultivated the Persian learning. They introduced Arabic laws, formed for rude and ignorant tribes, and in the administration of them, as may be judged from the specimen above exhibited, were most corrupt.

Every worldly profession, indeed every course of secular business, was in their avowed opinion (an opinion which they still hold) irreconcilable with strict virtue. Commerce, and the details of the finances, they left chiefly to the Hindoos, whom they despised and insulted. Where their government still prevails, the character resulting from their original temper, and superstition, aggravated by the enjoyment of power, remains in force. In our provinces, where their authority is subverted, and where many of them fall into the lower lines of life, that character becomes less obvious; but with more knowledge, and more pretensions to integrity, they are as unprincipled as the Hindoos. Their perfidy, however, and licentiousness, are the perfidy and licentiousness of a bolder people*.

From the government and intermixture of the Mahomedans, the Hindoos have certainly derived no improvement of character. The invaders, may fairly be supposed to have contributed their share to the general evils, and even to have increased them. But they did not produce those evils, nor could they have perpetuated them in opposition to the genius and spirit of the Hindoos, who are in number probably as eight to one. They may therefore be considered, rather as constituting an accession, than as giving a character to the mass. The vices however of the Mahomedans, and Hindoos, are so homogeneous, that in stating their effects, it is not inaccurate to speak of both classes under the description of the one collective body into which they are now formed.

Upon the whole, then, we cannot avoid recognizing in the people of Hindostan, a race of men lamentably degenerate and base; retaining but a feeble sense of moral obligation; yet obstinate in their disregard of what they know to be right, governed by malevolent and licentious passions, strongly exemplifying the effects produced on society by great and general corruption of manners, and sunk in misery by their vices†, in a country peculiarly calculated by its natural advantages, to promote the happiness of its inhabitants. The delineation from which this conclusion is formed, has been a task so painful, that nothing except the consciousness of meaning to do good could have induced the author to proceed in it. He trusts he has an affecting sense of the general imperfection of human nature, and would abhor the idea of needlessly or contemptuously exposing the defects of any man, or set of men. If he has given an unfavourable description, his wish is not to excite detestation, but to engage compassion, and to make it apparent, that what speculation may have ascribed to physical and unchangeable causes, springs from moral sources capable of correction.

CHAP. III.

Causes which have produced the present Situation and Character of the Hindoos.

CHAP. III.
Causes of the present Situation and Character of the Hindoos.

IN investigating the peculiar characters of different nations, it is both usual and reasonable to ascribe them principally to the influence of climate, of government and laws, and of religion: it will be proper, therefore, to lay before the reader the situation of Hindostan, with respect to each of those particulars, that he may be enabled

* See the character of the Mahomedans, before alluded to, in Scrafton's Reflections, p. 19, et seq.

† Some persons may be disposed to enquire, how the frame of society has been preserved from dissolution among these people, if they are indeed so greatly and so generally depraved. To that question, an answer will be given in the course of the following chapter.

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enabled to judge whether the wretched state of society and manners among the Hindoos, who, as has been already observed, have a general identity of character, may not fairly be traced to that source.

The climate of India, particularly of the south-east provinces, must be allowed to be less favourable to the human constitution than the more temperate regions of Europe. The bodily frame is less strong and hardy, the faculties have less energy, their exercise is less expanded and delightful, ardor is checked, the oppressed spirits yield more easily to indolence and indulgence, and the fertility of the soil easily supplying the few natural wants of the natives, aids this propensity. Nevertheless in developing the causes of the Hindoo character, too much seems sometimes to have been imputed to the climate; effects greater, and of more necessary result, than fair examination will confirm.

The inhabitants of foreign descent, who continue the use of animal food, especially the Armenians, a sober people, are more robust than the Hindoos; and to speak of the Hindoos themselves, their military tribe has discovered, under foreign discipline, a considerable share of active vigor. The Banians, and all the trading part of the community, are capable of long sedentary application. Porters, boatmen, runners, and others of the labouring class, can endure severe fatigue. Multitudes of devotees manifest a resolution and perseverance in painful sufferings altogether astonishing. And with regard to the faculties of the mind, the Brahmins, who have cultivated learning, have certainly evinced themselves an acute, subtle, and penetrating order of men. These circumstances show, that the people in general are equal at least to decent application in different lines, susceptible even of a strong impulse, though not perhaps of great continued energy. And it is reasonable to believe, that were those evils corrected which do not arise from the climate, they would in time hold a much higher place among the human species, than they are now capable of maintaining.

The despotic mode of government which generally is prevalent in the East, and appears at all times to have subsisted among the Hindoos, has undoubtedly had a very considerable influence in the formation of their character. When a man finds himself dependent on the will and caprice of another, he thinks and acts as a degraded being; his regard for all that is valuable in life is reduced to the degree of personal interest which he has in it, his care for whatever extends to the rest of his race, and to future time, is sunk in the precariousness of the present hour. Fear necessarily becomes his grand principle of action; thence springs distrust; and as arbitrary power does not excite in those over whom it tyrannizes, the expectation of finding truth and justice its associates, it is not productive of integrity and veracity. The arts of deception, suppleness, and servility, are resorted to, and thus a system of falsehood and narrow selfishness is generated. Violence in the ruler quickens the process. The first idea raised is that of self-defence against him; then follow plans of concealed and avowed hostility against his deputies and agents, from whom injury is apprehended. The despotic principle actuates all the subordinate offices, and posts of authority, and its effects become general; every man is a slave to those above him, and a despot to those below him; the more he is oppressed, the more he oppresses; and thus is diffused a temper of universal enmity, acting secretly or openly according to opportunities. No wonder therefore, that when the principle is highly strained, treasons and revolutions are continual; by which the insolent and abject frequently change places, so that he who yesterday scarcely deigned to look on the suppliant before him, is today spurned from the feet of that suppliant, now in his turn exalted to the seat of authority. Such, in particular, is the description that may be given of a large period of the Mahomedan government in Hindostan. The descendants of Timour, holding for a time the greater part of that continent under one head, prevented much of the war and bloodshed that had before, and have since wasted it; but internal disorders, under the best of their governors, were necessarily very great; and the character of the Hindoos, suffering from the oppression of numerous invaders, must in several respects have been debased.

But they did not receive the despotic form of government from the Tartars, nor were they degraded only when they became subject to Mahomedan conquerors. Had they not been an abject people before, foreigners from a vast distance, carrying few magazines with them, could not have possessed themselves of so great a country, rendered by its natural defences, its climate, and its periodical rains, very strong against invasions by land. They have had among themselves a complete despotism from the remotest antiquity; a despotism, the most remarkable for its power and duration that

the

the world has ever seen. It has pervaded their government, their religion, and their laws. It has formed by its various ramifications, the essentials of the character which they have always had, as far as the light of history goes, and which they still possess; that character, which has made them a prey to every invader, indifferent to all their rulers, and easy in the change of them; as a people, void of public spirit, honour, attachment; and in society, base, dishonest, and faithless. That despotism, with a variety of subordinate principles to which it has given birth, still exists in great vigour, even where the political government is in foreign hands, and therefore although by acting the part of upright rulers towards our Hindoo subjects, and endeavouring to provide for a fair administration of justice among them, we shall repress many disorders that before prevailed, yet this reform will not reach those evils in their character and conduct, already described, which are the bane of their happiness, personal and social. Nor will it ensure to us their attachment, which, in point of policy, it would be desirable to engage by an amelioration of their character, instead of leaving their old facility in changing, to co-operate with their imbecility, in favour of any new invader.

The ancient Hindoo government is thought scarcely to exist now in its original form*. The Hindoo states, raised from the ruins of the Mogul Empire, cannot well be taken as pure representations of it; at least we have but little certainty of possessing an entire model, and can therefore only refer to its fundamental principles, of which there is indisputable evidence. But their religion and their laws, both parts of one complex system, still remain; the former in all its authority, the latter also, in its essence and in many of its branches, operative: and these, by the principles on which they are founded, and by the rules and precepts which they deliver, have given birth to that spirit, and those practices of oppression, injustice, corruption, in a word, those immoralities which incomparably more than every other cause, render the people base and miserable. To this position, the most particular attention is requested. A full exhibition of all the proofs which might be brought in support of it, would require a much longer space than is necessarily prescribed to this treatise. Some leading facts and arguments however, sufficient it is hoped solidly to establish it, shall now be stated. They will be derived partly from the code of Hindoo laws, and partly from the tenets of the Hindoo religion. The code of laws was compiled and published in 1773, under the government of Mr. Hastings, and at his desire, by a body of "experienced lawyers, selected for the purpose from "every part of Bengal," who we are further told, "carefully picked out the "ordinances, sentence by sentence, from various originals in the Shanscrit language, "neither adding to, nor diminishing from, any part of the ancient text†." And the translator adds, what is of importance to be observed, "that from this code may "be formed a precise idea of the customs and manners of these people; that their "institutes are interwoven with the religion of the country, and therefore revered as "of the highest authority." The authenticity of this work, and the value of the general evidence which it furnishes, must thence be unquestionable.

With regard to the religion of the Hindoos, although a regular translation of the Vedes, those writings which they repute as sacred, has not yet given us all their mythology, doctrines, rites, and ceremonies, in authoritative detail; yet the intercourse of three centuries between the Europeans and that people, the relations of various travellers in different parts of India, and their agreement as to the general matter and character, as well as many particulars of the Gentoo faith, the elucidating accounts of the Mahomedans, and the daily experience of multitudes of Europeans, leave us at no loss concerning the grand features, the main credenda and agenda of that superstition, its genius, and its consequences. Of late the public has had other accessions of information, stamped with great authority. We refer, in the first place, to the Institutes of the Emperor Akber, compiled by his learned and intelligent minister

* The government of Nepaul, of which less was known when this passage was written, is probably no inexact representation of the original Hindoo constitution. Of that country, which, as has been already observed, was never subdued by the Musselmans, our information was scanty before the late deputation thither of Captain Kirkpatrick from Bengal. That gentleman has given a curious and interesting account of his journey, which affords much light into the history of Nepaul. It would thence appear, that the form of the government, the state officers, civil and military, employed under it, and the sources of its revenue, are nearly the same in kind as are found to have been established in Hindostan under the rule of the Moguls; a strong presumption in favour of what we have ventured elsewhere to suppose, that these conquerors did not innovate greatly in the forms of administration in the Hindoo countries of which they possessed themselves. 1797.

† Preface to the Hindoo Code.

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minister Abul Fazil, about *A. D.* 1550, in the zenith of the Mogul power*; one volume of which work is employed solely upon the religion and sciences of the Hindoos, and professedly formed from the communications of the most learned Brahmins. We may rest assured, that such a man, employed in a work intended for a public record of the highest order, would obtain from that source much authentic information, and that the view given him of the Hindoo doctrines would be at least sufficiently favourable. Favourable indeed, both in respect of those doctrines and the character of the people, that view will appear to have been, by comparing it with other authorities; and there are obvious reasons why the noble writer would naturally be disposed to acquiesce in it. It was the design of Akber, who was of a tolerant spirit, to conciliate all his subjects towards himself and towards each other; and in a work composed immediately under his inspection with this intention, and for public use, it could never be admissible to delineate at length the faults of the great body of those subjects.

The second recent acquisition, is the *Bhagvad-Geeta*, translated by Mr. Wilkins from a Shanscrit work, certainly of considerable antiquity. This is a very curious record. It is deemed to be so purified from the grosser parts of the Hindoo superstition, that it is carefully concealed by the Brahmins from the rest of the people; yet it has evidently been corrupted, in order to conciliate some tolerably just principles with a degenerate practice. Besides these publications, Sir William Jones†, a man wonderful for his stores of knowledge, and for the ardour with which he still presses forward to increase them, who penetrates into the abstruse recesses of oriental learning with singular felicity and success, has communicated much valuable information from his late researches. Arrived at length at the fountains of Shanscrit learning, he indeed appears to consider past discoveries as inaccurate or imperfect‡; referring probably to the speculative and metaphysical doctrines contained in the Vedes, concerning which the Brahmins themselves have divers opinions and systems. But of the obvious and popular tenets of the Hindoo religion, its worship, and ceremonies, enough is certainly known to enable us to judge of their nature and their effects.

In the following pages, the writer will rest the argument he maintains, on information already before the public, rather than on any new matter which his own observation, during his residence in India, might enable him to furnish. For though the shoots from the great trunk of Hindoo superstition are so numerous, and all partake of the same nature, yet the additional facts which a single individual, whose attention was not wholly devoted to the subject, could have an opportunity of ascertaining, must appear trifling, in comparison of the whole mass of knowledge collected by the industry of numbers, during a long course of time, and rendered more worthy of notice by ascending nearer the source of things. And where important deductions are to be made, as in the present case, he is far from wishing the premises from which they are drawn to rest upon his authority.

It is proposed then, to proceed to the consideration of the Hindoo laws. But since it has appeared that both the Mahomedan and English conquerors of India have by legislative provisions of their own, in part superseded those which they found there, persons who reason from the changes which have relatively taken place in the social state and in the laws, of every European nation, and from the mutual influence of laws and of manners upon each other, may naturally conceive, that rules which have been abrogated

* Translated from the Persian into English, by Francis Gladwin, Esq.

† Europe, and Asia, and the world, have since sustained an irreparable loss in the death of this most valuable man, who was cut off in the vigour of his days, and in the midst of new inquiries and discoveries, among the recondite repositories of Hindoo learning, into which he carried such a lamp of general knowledge, as threw surprizing light on every subject he investigated. What he has done, however, will immortalize his memory. He has opened the way into the mythological and scientific arcana of a people, who have for many ages been as remarkable for their adherence to their peculiar institutions, as for arrogating to themselves an unfathomable antiquity, and the possession of a pure and primeval, though carefully concealed system of theology and science; claims which have been as officiously as ignorantly accorded to them by some anti-christian philosophers of Europe. He has shown that one of their earliest traces of true history describes an *universal deluge*, in which only *a patriarch*, and *seven* other men, (to whom this account gives wives,) were saved in an *ark*; and that the whole of their chronology is reconcileable with the Mosaic history.—See Asiatic Researches, Vol. II. Art. "Chronology of the Hindoos."——It is impossible on this occasion to avoid expressing a very high degree of respect and esteem for the learned and instructive labours of various other members of that distinguished society. Though the character of the Hindoos be in a moral view now low, yet the development of their history, their literature, their mythology, and science, has been a great desideratum in human knowledge, and must prove of eminent importance to mankind. 1797.

‡ Asiatic Researches, Vol II.

abrogated can no longer affect the character of the people; therefore that before any application is made of evidence deduced from the Hindoo laws, it ought to be shown what portion of those laws is still operative, and from that portion only to estimate the effect produced. It is the wish of the writer, to allow to this objection all the weight to which it is entitled, and as far as he can, to afford the satisfaction which it requires.

To give an exact enumeration of the Hindoo laws, and to distinguish those which may now be regarded as obsolete, would, if the task could be performed, require a detail inconsistent with the design of this essay. But no such digest has yet been made. The general lines of discrimination however are tolerably clear. The Mahomedans, as we have seen, introduced their own forms of judicature. In criminal matters, their code, severe and barbarous, like that of the Hindoos, was made the general rule of judgment. In civil concerns between Hindoos, these people had the benefit of their own laws. The English continued, as we have also seen, the legal establishments of their predecessors, improving them, and softening in some instances the cruelty of punishment. At present therefore, the criminal law administered in Bengal, is that of the Mahomedans rendered in certain cases more mild and equitable. The civil code stands likewise upon the basis of their system, but has a larger infusion of English ordinances, and it refers causes between Hindoos to be decided by the laws of that people.

Those laws prescribe certain rules to the *sovereign*, which cannot of course be acted upon in our government, though the general influence of a governing power will still be felt: and on subjects of political economy, such as cultivation of the soil, revenue, and commerce, respecting which the Hindoo code is very defective, we have been obliged to enact new regulations.

On the whole, besides the Hindoo institutions, purely religious, all those which relate to castes, to marriage, to inheritance, and to divers other civil concerns, remain still in force; excepting only that certain offences against caste, for which the code decrees capital or sanguinary punishments, dreadfully severe, are not cognizable in our criminal courts; nor does our government countenance the infliction of those barbarities; and transgressions of the innumerable rules of caste being tried among themselves, are commonly punished by fines or excommunications. Still however, the branches now particularized, of their system, are those which have the greatest influence in the formation of their character and manners; and it should be remembered, that the ways in which caste may be contaminated or lost, have been, in course of time, arbitrarily and exceedingly multiplied.

But in estimating the effect produced upon the Hindoos of our territories, even by that portion of their institutions which is in a proper sense legal, some other considerations must be taken into the account.

The Hindoo law stands upon the same authority as the Hindoo religion; both are parts of one system, which they believe to have been divinely revealed. That law is regarded by them therefore with a superstitious veneration, which institutions avowedly of human origin do not produce; so that even under a foreign yoke, which in various particulars superseded its injunctions, it still maintained its credit. Hence may be deduced, in part, the predilection of that people, especially of the leading orders, for their ancient state and peculiar customs, which in all the long period of Mahomedan rule, prevented them from being assimilated to the institutions of their conquerors.

Laws, which by tacit consent have fallen into general disuse, can no longer be quoted as characteristic of the actual state of manners. They serve rather to prove some change in the sentiments or dispositions of a people; but the abrogation or suspension, by the power of a foreign master, of certain parts of a code still approved, does not necessarily infer any such alteration. The Hindoos have generally in their intercourses with each other, acted in the spirit of their own institutions. The landholders, for instance, many of them possessing extensive districts, have been to their obsequious dependents, as petty sovereigns; causes originating in their vicinity have been very commonly referred to their decision, or even in parts more distant, to their deputies. Disputes are also frequently referred to the Brahmins. Matters of caste are solely cognizable by them, or by arbitrators of the tribe in which the contest breaks out, and form a source of endless litigation. If even encreasing security and ease conciliate them more to our government, which is probable, they will still perhaps ascribe the change, not to the superiority of our system over their own, but

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to the superior personal conduct of the English, who preside over them. Their Mahomedan rulers, especially since the accession of the line of Timour, have partly from political, and partly from venal motives, paid considerable regard to their prejudices; and the English, both in the execution of the laws, and in the general exercise of their authority, have uniformly and spontaneously displayed a spirit of extreme toleration and indulgence to all their peculiar notions and usages.

It is to be remembered also, that our subjects form only a small part of the vast race of people who profess the Hindoo faith, and that with whole nations of these, they live in immediate contact.

Nor lastly, must it be overlooked, that the account which has been given of the Hindoos, is a description of their character as it exists after a long suspension by their former rulers (a suspension continued by us) of some of the worst parts of their legal system.

If all these things then be considered, together with the influence of the congenial institutions, which are still authoritatively in force, perhaps we shall not see reason to suppose, that the innovations which we have made in the administration of law among the Hindoos, have produced, or are likely to produce, any material change in their character; but we may rather expect that this character will still bear the lively impress of the general spirit of their institutions, civil and sacred. To illustrate that spirit, is one object particularly proposed by the survey upon which we are now to enter of the Hindoo code.

Despotism is not only the principle of the government of Hindostan, but an original, fundamental, and irreversible principle in the very frame of society. The law, not contenting itself with enjoining passive obedience to the magistrate, or sovereign, and with having a due regard to the inequalities in condition, and subordinations in rank, which arise from the constitution of the world, and are plainly agreeable to the will of the great Creator, rests entirely on the following fundamental position:—that certain classes or races of the society are in their elementary principles, in the matter from which they were formed, absolutely of a higher nature, of a superior order in the scale of being, to certain other classes. It is, in the opinion of the Hindoos, an awful and momentous truth, a truth maintained in full vigour to this day, a truth placed in the front of their code, that the Brahmins were formed from the mouth of Brimha, the Kheterees from his arm, the Vyse (or Bice) from his thigh, and the Sooders from his foot. Hence it is a necessary consequence, that this primeval and essential distinction is no more mutable or defeasible, than it is possible for one of the brute creation to advance itself to the rank of man *. And such is the division of the Hindoos into four great tribes or castes—the priests, the soldiers, the husbandmen or traders, and the servile class, whose sole assigned duty is to serve the other three †.

Now the evils that flow from such an arrangement, are infinite. Other modes of depotism lead in their very excess and abuse to a remedy, but here the chain of servitude is indissoluble and eternal. Though the highest orders be guilty of the most flagitious wickedness, pervert the use of power, become weak, arrogant and oppressive, the frame of society can suffer no change; that order must still continue in the enjoyment and exercise of all its vast privileges and prerogatives.

The lowest rank, on the contrary, is doomed to perpetual abasement and unlimited subjection. It has no relief against the most oppressive and insulting tyranny, no hope of ever escaping from its sufferings. Though permitted indeed to

* "The Brahmins, indisputably persuaded that "the superiority of their tribe is interwoven with "the very essence of their nature, esteem that "to be a full and satisfactory plea for every advantage settled on them above the rest of the "people." *Preface to the Code*, page 52.

† It is worthy of remark, that according to a tradition in Nepaul, reported by Captain Kirkpatrick in the ingenious work before-mentioned, Pusso-Pusp-Deo, a Rajah of that country, is said to have first divided the general mass of his people into the four grand and well known tribes of the present day. The chronological series of Nepaul princes, which Captain Kirkpatrick has been able to exhibit, and which, as he well observes, assigns to many of the reigns an extravagant duration, (making on the whole an average of more than forty years,) would give to Pusso-Pusp-Deo an antiquity of about three thousand years. Be that as it may, it is evident, that a tradition subsisting in Nepaul makes the first institution of castes an human appointment. A small secluded valley like Nepaul, environed on all sides with hills, is very likely to have been an early, if not an original seat of such an institution; and there are at least strong reasons for believing, that the Brahminical religion had not its first rise in the southern parts of Hindostan, if at all in that region.

CHAP. III.
Causes of the present Situation and Character of the Hindoos.

to employ its industry, the greatest success can never in the slightest degree rescue it from inherent dishonour; and if the genius of a Newton should arise in that class, it could have no room to expand, nor if it had, could all its excellence deliver its possessor from the obligation of administering to the most ignorant and vicious of the Brahmins.

One of the heaviest grievances attending this state of degradation, is, that it discourages all liberal exertions, and consigns those who are destined to it, to ignorance, mean opinions of themselves, and consequent meanness of manners, sentiment, and conduct. Lest however, through the medium of learning, they should have a chance of emerging from this low and confined state, the Brahmins (by an ordinance of the Vedes, which through their imposture have the credit of proceeding from a divine origin, and of containing all valuable science) have forbidden them, on pain of death, to read the sacred books.

Now as this fourth tribe would naturally comprehend, at the very first, more than a fourth part of the people, and as the offspring of every subsequent, irregular commixture of the four original tribes, and all the descendents of that mixed race, fall by the law still lower than the fourth class, we may conclude that a large portion of the people is thus held down to earth. The evils inherent in this sort of distinction, (widely different it will easily be seen from mere gradation in society, because here essential superiority is entailed upon some classes, and essential inferiority upon others, for all generations,) extend in their degree to each of the intermediate classes, and the lowest feels the accumulated weight of general superiority. Those nearer the summit, become a cement to this system, which by allotting to them certain prerogatives, disposes them the more easily to acquiesce in it, and to support it.

Nothing is more plain, than that this whole fabric is the work of a crafty and imperious priesthood, who feigned a divine revelation and appointment, to invest their own order, in perpetuity, with the most absolute empire over the civil state of the Hindoos, as well as over their minds. It is true, that they assigned the reins of political government to another order, the Kheterees; but they still maintained in full exercise the indefeasible superiority of their own rank, they prescribed the rules of administration, they were the privileged advisers of the *Magistrate*, (as the sovereign, or ruler, is termed in the code,) they rendered themselves necessary to the man invested with that dignity, in his personal, as well as official capacity; and in the preliminary discourse to the code, we are told of a king, whom on his obstinate disregard of some ordinances of the Vedes, and of the counsel given by the Brahmins, they put to death. That "this resignation of the secular and executive power into the "hands of another caste, is a striking instance of the moderation of the Brahminical "order," cannot then be conceded to the translator of the code, for they secured to themselves all the power of the empire, but transferred the danger and trouble attendant on it to their inferiors; they retained all the advantages of secular pre-eminence, and divested themselves of all responsibility*.

To

* As some persons* appear disposed to think the institution of castes, and their separation by impassable barriers, the effect of profound political wisdom, it may be well for them to consider, whether it be possible to reconcile with the idea of true wisdom, that which derives both its origin and support from fraud and imposture; whether fraud and imposture can finally produce the fruits of truth and justice; and how far the supposed object of such policy, namely the good of society, is in fact fairly and solidly obtained by it. The subjection of one part to another is indeed secured; but is it good for the part so subjected, (infinitely the larger part of the whole,) and its numerous posterity, through all the successions of time, to be placed in bondage to the other? It seems difficult to maintain such an assertion by arguments, which will not also recommend, both in a personal and social view, the ancient system of slavery. That such a mechanical construction of society is not favourable to the external interests of a body politic, may be easily discerned: for what public principle can exist in a state, where the greatest part of the people are totally and for ever excluded, under the highest penalties, from taking any concern in public affairs. Some who have considered this subject philosophically, seem to rest the defence of such an arbitrary arrangement, upon a sentiment supposed to pervade the different classes, of the inviolability of each others rights†. Had a sentiment of that nature influenced them, the rights remained very unequal; but the truth is, that the same consequences follow which must ever be expected from unlimited power,—pride and tyranny on one side, abject servility and suffering on the other. And were it certain, as the translator of the code has intimated, "that long usage has persuaded the peo-"ple of the *equity* of their distinctions‡," this would be an additional proof of their minds and judgments being debased. Nothing is better known, than that the Brahminical tribe are pre-eminent in those

* See Dr. Robertsen's Ancient India. † Ditto - - - - - - - - page 264.
‡ Preface to the Code, page 11.

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To show how the singular species of despotism here described, pervades the legal system of the Hindoos, and to exhibit specimens of different laws, various passages from the code shall now be produced. Since it has, we trust, appeared, that the still remaining influence of that system is not to be ascribed solely to those parts of it which are sanctioned by British authority, we shall be justified in extending our view, and our selection, beyond them. And it will be recollected, on the other hand, that those parts include the laws which relate to the grand concerns of inheritance, marriage, and caste, besides others of inferior import; the severity only of some of the Hindoo punishments being discountenanced by our administration of criminal law. To one or other of those branches, the greater part of the ordinances now to be quoted, will be found to appertain; and for the introduction of others which do not belong to them, particular reasons, in addition to the general one already urged, will appear.

The specimens of laws to be adduced here, shall be arranged under the following heads:

First, Of those which determine some of the prerogatives, or duties, of the Chief Magistrate or Ruler.

Second, Of those which establish distinctions in favour of the superior castes.

Third, Of those which, without reference to castes, give a direct sanction to immoralities.

Fourth, Of those which, without reference to castes, go upon principles of oppression and injustice.

Fifth, Of those which, without reference to castes, discover a spirit of cruelty.

FIRST then, Specimens of Laws which establish some of the Prerogatives and Duties of the Chief Magistrate or Ruler.

Although no Hindoo can now exercise this office in our Eastern territories, these passages, few in number, are produced to show the arbitrary power with which the law invests the sovereign, and the abject submission which it imposes on his subjects. It may be remarked, that our tributary zemindars in the Carnatic, and even the great landholders in Bengal, have still retained some resemblance of this lordly authority over their people.

SOME of his PREROGATIVES.

Code, page 110. "He is not to be considered as *a mere man*, but as *a Dewtah*" (a subordinate deity, of whom they actually worship numbers.)

269. "If

those atrocities which disturb the peace of society: and this is but one branch of the mischiefs generated by such a system.

The subdivisions of the four original castes, arising from difference of professions, and a variety of separating distinctions, are now so many, the ways of contamination, (and therefore of purification,) so multiplied; stains or expulsions, on the one side, so terrible, and to those, on the other, who thereby succeed to property, so advantageous, that the subject of caste is a prodigious source of wrangling, animosity, litigation, loss of time, of property, and of peace, among the people, and of influence and emolument to the Brahmins, who are the arbiters in all these matters.

When these consequences are considered, together with that which must inevitably have been expected from the beginning, namely, the irregular commerce of the tribes, the political sagacity of the legislators of the Hindoos seems not entitled to great praise, since to every public benefit which they could propose from their system, the preservation of its simplicity appears to have been essential. And although a celebrated name* regards the institution of castes as a mark of considerably advanced society, there seems more probability in referring it to one of the earlier stages, in which there would indeed be priests, soldiers, and husbandmen, labouring and domestic servants, but the community would be small; and in such a community, an ordinance, apparently simple, fixing the several members and their families in the professions which they already exercised, might more easily be adopted and enforced. Had an ordinance of that nature been promulgated after the society was become numerous, and intermarriages, (not before prohibited), between persons of different professions, and between their descendants, had taken place; and when occupations had been multiplied, and various gradations already established, the difficulty of carrying it permanently into execution, would apparently have been insuperable.

* See Dr. Robertson's Ancient India.

269. " If in any place where the Magistrate is playing at tables, or any such " game, in that case if any person, without permission of the Magistrate, interposes " with his hand, or by speaking, *the Magistrate shall put him to death.*"

270. " If a man complains causelessly against the Magistrate's counsellor, *the* " *Magistrate shall put him to death.*"

" If a man performs any business or service for the Magistrate's accuser, " *the Magistrate shall put him to death.*"

" Men who vilify the Magistrate, men of *innate bad principles*, or men who " without reason, cause any internal uneasiness to others, (*of all which the Magistrate* " *himself must be the judge,*) the Magistrate shall banish all such the kingdom."

188. " If a man speak reproachfully of any upright Magistrate, the Magistrate " shall cut out his tongue; or having confiscated all his effects, shall banish him the " kingdom."

189. " If a Magistrate, *for his own good*, has passed any resolutions, whoever " refuses to submit to such resolutions, the Magistrate shall cut out the person's " tongue*."

207. " If a man beat or ill use a Magistrate *who commits a crime*, whatever it be, " the crime of murdering a hundred Brahmins shall be imputed to him; he shall have " an iron spit run through him, and be roasted with fire."

Note.—This contains an exception in favour of Brahmins, for *which see the next head.*

SOME of his DUTIES.

Code, page 91. " A Magistrate *must have near him a learned Brahmin.*"

92. " The Magistrate is required to maintain *not less than ten Brahmins of* " *learning and worth*, to give them money, and every token of respect and consi- " deration in the judgment seat."

113. " *In all cases*, he shall spare and *excuse the Brahmins.*"

116. " He shall give much effects and money to the Brahmins of a conquered " country."

" And erect a stately building for them."

118. " He shall keep magicians *who can cure by spells.*".

" He shall keep a great number of buffoons, or parasites, jesters, and " dancers."

119. " If he resume a religious endowment, he shall remain in hell a thousand " years."

SECOND, Specimens of Laws, which establish Distinctions in favour of the Brahmins and the other Superior Castes.

First, concerning AUTHORITY.

Code, page 117. " The other three orders shall be obedient to the Brahmins†."

282. " Whatever

* In the Institutes of Menu, a work of great antiquity and curiosity, translated by Sir William Jones, since this tract was written, is the following description of the formation and dignity of the king:

" Since a king was composed of particles drawn " from those chief guardian deities, he conse- " quently surpasses all mortals in glory."

" Like the sun, he burns eyes and hearts; nor " can any human creature on earth even gaze on " him."

" He is fire and air; he, both sun and moon; " he, the god of criminal justice; he, the genius " of wealth; he, the regent of waters; he, the lord " of the firmament. A king, even though a child, " must not be treated lightly, from an idea that he " is a mere mortal; no, he is a powerful divinity, " who appears in human shape.—*Institutes of Menu*, page 159.

† The following passages in the Institutes of Menu are remarkable:

" Let not a king, though in the greatest distress " for money, provoke Brahmins to anger by taking " their property; for they, once enraged, could " immediately, by sacrifices and imprecations, de- " stroy him and his troops, elephants, horses, and " cars."

" Who, without perishing, could provoke those " holy men, by whom, that is, by whose ances- " tors, under Brahmá, the all-devouring fire was " created, the sea with waters not drinkable, and " the moon with its wane and increase?"

" What prince could gain wealth by oppressing " those, who if angry could frame other worlds " and regents of worlds, could give being to new " gods and mortals?"

" What man, desirous of life, would injure " those, by the aid of whom, that is, by whose " oblations,

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282. "Whatever ordinances Pundits, (who are Brahmins,) deliver to the Ryots, "(the body of the people,) from the Shaster, the great body of their ordinances, "civil and religious,) the Ryots (who cannot and dare not read the Shaster,) *are bound* "*to obey.*"

"A Pundit, not delivering the sentiments of the Shaster, to be fined two "hundred and fifty puns of cowries," (about four or five rupees, or ten shillings.)

261. "If a Sooder reads the Bedes to either of the other three castes, or *listens* "*to them, heated oil, wax, and melted tin, shall be poured into his ears, and the orifice* "*stopped up.*"

"If a Sooder gets by heart the Bedes, *he shall be put to death.*"

"If he always performs the jugg, (one of their modes of worship, in "which the Brahmin officiates,) he shall suffer death, or be fined two hundred ash-"rupees," (about £. 300.)

Second, Concerning RESPECT.

Code, page 261. "If a man of inferior caste, proudly affecting equality "with a superior, shall travel by his side on the road, he shall be fined equal to "his abilities."

"If a Sooder sits on the carpet of a Brahmin, the Magistrate, having thrust "a hot iron into his buttock, and branded him, shall banish him the kingdom, or "else shall cut off his buttock."

Note.—The shadow of a Chandal, one of those degraded below the fourth caste, passing over victuals, milk, or even water, defiles it. Ten thousand other ways of being polluted by the lower ranks, mark their vileness*.

275. "Brahmins waiting upon great men, shall have free entrance."

"Being passengers in a boat, shall pay no fare, and have precedence."

"And shall pay for goods in a boat, no freight."

Third, Concerning CRIMES,—as ASSAULTS, &c.

Code, page 206. 283. "No crime whatever, nor any number of crimes, "shall forfeit the life of a Brahmin: *he shall not be put to death on any account* "*whatever.*"

"No crime in the world is so great as that of murdering a Brahmin; the "Magistrates shall never desire his life, nor cut off his limbs."

284. "A Brahmin murdering a Brahmin, or committing incest, shall be punished "only with ignominious branding."

206. "If a man deprive another of life, the Magistrate shall deprive that "person of life, except he be a Brahmin; *he* shall be fined a hundred gold mohurs," (about £. 150.)

207. "For

"oblations, worlds, and gods perpetually sub-"sist; those who are rich in the learning of the "Veda?"

"A Brahmin, whether learned or ignorant, *is* "*a powerful divinity*, even as fire is a powerful "divinity, whether consecrated or popular."

"Thus, although Brahmins employ themselves "in all sorts of mean occupations, they must in-"variably be honoured, for they are something "*transcendently divine.*"

"Of a military man who raises his arm vio-"lently on all occasions against the priestly class, "the priest himself shall be the chastiser, since "the soldier originally proceeded from the "Brahmin."

"A priest who well knows the law, needs not "complain to the king of any grievous injury; "since even by his own power, he may chastise "those who injure him."

"His own power, which depends on himself "alone, is mightier than the royal power, which "depends on other men; by his own might there-"fore, may a Brahmin coerce his foes."

"He may use, without hesitation, the power-"ful charms revealed to Atharvan, and by him to "Angiras; for speech is the weapon of a Brahmin, "with "with that he may destroy his oppressors."—*Institutes*, pages 285. 286. 311.

* "The abode of a Chandal and a Swapaca "must be out of the town; they must not have "the use of entire vessels; their sole wealth must "be dogs and asses. Their clothes must be the "mantles of the deceased; their dishes for food, "broken pots; their ornaments, rusty iron; con-"tinually must they roam from place to place."

"Let no man who regards his duty, religious "and civil, hold any intercourse with them; let "their transactions be confined to themselves, and "their marriages only between equals."

"Let food be given to them in potsherds, but "not by the hands of the giver; and let them not "walk by night in cities or towns."

"By day they may walk about for the purpose "of work, distinguished by the king's badges; "and they shall carry out the corpse of every one "who dies without kindred: such is the fixed "rule."

"They shall always kill those who are to be "slain by the sentence of the law, and by the royal "warrant; and let them take the clothes of the "slain, their beds, and their ornaments."

Institutes of Menu, page 295.

207. " For beating or ill-using a Magistrate, *who commits a crime*, (which the " first head rates as the crime of murdering a hundred Brahmins,) a Brahmin shall " only be fined a hundred ashruffees," (about £. 150.)

209. " If a man sets fire to another person's house, with intent to destroy him; " or causes him to take poison; or is desirous to murder him with a sword; or " carries away that person's wife from his house, and keeps her himself; or plunders " all that person's effects, or his tillage; in that case, if the latter deprives the former " of life, he shall not be amenable. *But he shall not kill either a cow or a Bramin*," (consequently a Brahmin may do all this for a fine*.)

206. " With whatever limb a man strikes a Brahmin, *that limb shall be cut off*."

" If a Sooder strikes either of the other three classes, *it shall be so done to* " *him*."

208. " If a Sooder spit on a Brahmin, his lips, &c. shall be cut off."

" If a Sooder plucks a Brahmin by the hair, &c. both his hands shall be " cut off."

" If a Sooder gives much and frequent molestation to a Brahmin, *he shall* " *be put to death*."

CRIMES continued—ADULTERY.

Code, page 242. " A Sooder, Bice, or Kheteree, guilty with a woman *of the* " *Brahmin caste, who has a master*, (that is a husband or keeper,) shall suffer death " by mutilation and burning."

" A Sooder, guilty with a Chandal woman, (one of a degraded tribe,) shall " suffer death."

" A Bice or Kheteree, guilty with a woman of inferior caste, to be fined " *five hundred* or *one thousand* puns of cowries," (from eight to sixteen rupees, sixteen to thirty-two shillings.)

" A Brahmin, guilty with a woman of any of the castes, *who has a master*, " to be fined *five hundred*, or *one thousand* puns of cowries (*eight* to *sixteen* rupees.) " He is not in any case of adultery, to be deprived of life."

243. " A woman, guilty with one of the inferior caste, to be eaten by dogs, or " burnt with faggots."

" A woman of equal or inferior caste, guilty, *shall not be liable to punish-* " *ment*, only she shall perform the ceremony of expiation."

244. " If a man commits adultery with an unmarried girl *of inferior caste*, " *by her consent*, he shall not be deemed guilty. If it was done *by violence*, the " Magistrate shall take a small fine from him."

248. " For crimes beyond this class, and beyond the line of the human species, " the superior castes are taxed in a fine of *five hundred* puns of cowries (about *eight* " rupees) the *Sooder only*, doomed to death."

CRIMES continued,—STEALING.

Code, page 220. " If a man steals any man of superior caste, *he shall be burnt* " *with fire*, by having a particular species of grass bound round his body. If he " steal a woman, he shall have that grass bound round his body, *be stretched out on* " *a hot plate of iron, and burnt in the fire*."

" If a man steals a man or woman of middling caste, the Magistrate shall " cut off both his hands and feet, and cast him out upon a highway where four roads " meet."

" If any person *steals a man of inferior caste*, he shall be fined *one thousand* " puns of cowries," (about *sixteen* rupees or *thirty-two* shillings.)

" If he steals a woman of inferior caste, all his property shall be con- " fiscated."

" If a man, in time of war, steals a horse, or an elephant, the Magistrate " *shall deprive him of life*."

" If he steals either of these animals in time of peace, the Magistrate shall " cut off from him one hand and one foot." (Compare this article with the preceding one concerning stealing a Sooder.)

" If

* The Institutes of Menu however, appear to permit to a man who cannot otherwise escape, the slaying of a Brahmin, who assails him with an intent to murder. Page 234.

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" If a man steals an elephant or a horse, excellent in all respects, the " Magistrate shall cut off his hand, and foot, and buttock, and *deprive him of life.*"

221. " If a man steals a small animal, the Magistrate shall cut off *half his foot.*"

224. " If a man steals flowers for dying, &c. the Magistrate shall cause the " article to be returned, and *take a coin of gold as a fine.*"

225. " If a man steals flowers, or fruit, or wood, or grass, *belonging to a Brahmin,* " the Magistrate shall cut off his hand."

226. " If a Brahmin who every day performs the jugg, commits a robbery " that deserves death, the Magistrate shall cut off the hair of his head."

Concerning the SCALE of PUNISHMENT, for scandalous or bitter Expressions, which species of offence will be further explained under a subsequent article, (Page 101.)

Puns Cowries

Code, page 182. " A man of equal caste *and equal abilities* with the " accused, shall be fined, - - - - - - - - - - 1,000
(about sixteen rupees, less than £. 2.)
" A man of inferior caste and *inferior abilities,* - - - - 2,000
" A man of superior caste and *superior abilities,* - - - 500
" An equal in caste and abilities, accusing another of one of the " crimes in anoo patuk, (the third class of this offence) - - - - 100
" An *inferior in caste and abilities,* ditto, - - - - - 200
" A *superior in caste and abilities,* ditto, - - - - - 50
(about *one* rupee.)

183. " A Sooder, accusing one of a superior caste of any of the crimes of the " three first classes, (which will be hereafter described,) shall have his *tongue cut* " *out, and a hot iron of ten fingers breadth thrust into his mouth.*" This article may be compared with the one immediately preceding. The Sooder forfeits his tongue, and in effect his life, for committing against a superior that offence, which, if a superior commit it against him, costs only half a crown; a fine so trifling, whilst the penalty of retorting on the other side is so dreadful, as rather to encourage than prevent this species of wrong in the upper ranks.

Concerning CIVIL AFFAIRS.

As to interest of money, the proportion of rates payable by the different classes, shall be introduced for the sake of illustrating the spirit of the code.

Code, page 2. " Where a Brahmin pays per month 1 per cent.
" A Kheteree shall pay - - - - - 1½
" A Bice (or Vyse) - - - - - - 2
" A Sooder - - - - - - - - - 5
" And so in proportion whatever the rate is *."

PAYMENT of DEBTS.

Code, page 21. " If a very rich man, of *weak understanding* and of *a very* " *mean tribe,* from a principle of fraud and obstinacy refuses to pay his debts, the " Magistrate shall oblige him to discharge the money claimed, and *fine him double* " *the sum.*"

22. " If a very rich man, of *an excellent education and of a superior caste,* from " a principle of fraud and obstinacy refuses to pay his debts, and the creditor com- " mences a suit against him, the Magistrate shall cause the money in dispute to be " paid, and shall *fine the debtor one-twentieth* of the sum recovered."

As to TAXES on BUYING and SELLING.

Code, page 258. " On all sales. Inland purchase and sale 10 per cent.
" Foreign - 5 per cent. on the profit.
" A Brahmin, learned in the Bedes, *shall pay no tax on sales.*"

As

* The English government in Bengal has now ordained twelve per cent. per annum, to be the general legal maximum of interest, without distinction of castes or nations. Wealthy natives however, probably still favour borrowers of the higher castes.

As to FINDING THINGS.

Code, page 256. " A man finding *his own*, long lost, is *to inform the Magistrate*, " who is *to take from him*,

" If he be a needy unlearned person, *one-sixth*;

" If a man of science, - - - *one-half**."

256 " A learned Brahmin finding any thing, the property of a stranger who is " unknown, *takes the whole*; an unlearned Brahmin takes five-sixths, and gives one- " sixth to the Magistrate."

" A Kheteree is to give the Magistrate one-fourth, and the Brahmins one- " fourth."

" A Vyse is to give the Magistrate one-fourth, and the Brahmins one-half."

" A Sooder finding any thing, divides to the

" Magistrate, five-twelfths;

" Brahmins, five-twelfths;

" Himself, - two-twelfths."

" A Magistrate finding any thing, shall give one-half to the Brahmins, and keep " the other half himself."

As to GIFTS, and SUCCESSION to the PROPERTY of BRAHMINS.

Code, page 26. " A woman *may give to the Brahmins* any part of her husband's " effects *to procure his future happiness*: if she gives the whole, *the gift is approved*, " but *she* is blameable."

" A gift proposed to be given to a Brahmin, if afterwards withheld, shall be en- " forced by the Magistrate with interest."

33. " The property of Brahmins, *must always descend to Brahmins*."

46. " So must the property of Brahmins' wives."

128. " On failure of heirs to one of the three lower castes, the Magistrate may " appropriate the property to himself."

" But if a Brahmin has no heir, his property shall pass to other Brahmins; " and if there are no Brahmins, the Magistrate shall cause it to be thrown into the " water †."

As to SLAVERY.

Code, page 143. " Slaves are made of the three castes of Kheteree, Vyse, and " Sooder.

" A Brahmin can never be a slave."

" A man of superior caste, if he is upright and steady in the principles of that " caste, can never be the slave of a man of inferior caste."

144. " If a Brahmin has purchased a Sooder, or even *if he hath not purchased* " *him, he may cause him to perform service*."

These instances may suffice to illustrate the *nature of the distinctions* which obtain among the different castes. They extend indeed to all the concerns of life; and the laws regulating them are diffused throughout the code; make up a great part of it, and seem in reality to be its main business.

THIRD, Of those Laws, which without reference to Caste, give a direct Sanction to Immorality.

Concerning EVIDENCE, PROMISES, and FALSE PRETENCES.

Code, page 115. " Wherever a true evidence would deprive a man of his life, in " that case, if a false testimony would be the preservation of his life, *it is allowable to*

* So it is in the code, and the proportion in this instance seems to contradict the main principle of the law; but the striking point of comparison is, that a Brahmin, finding *what belongs to a stranger*, keeps the whole, or five-sixths of it; and another person finding *his own*, is obliged to give up a part of it.

† " Should the king be near his end, through " some incurable disease, he must bestow on the " priest all his riches accumulated from legal " fines." *Institutes of Menu*, page 286.

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" *to give such testimony*; and for absolution of the guilt of false witness, he shall per-
" form the *Poojah Sershuttee* (worship to Sershuttee, the Goddess of Letters): but
" to him who has murdered a Brahmin, or slain a cow, or who being of the Brahmin
" tribe has drunken wine, or has committed any of these particularly flagrant offences,
" it is not allowed to give false witness in preservation of life."

" *If a marriage for any person may be obtained by false witness, such falsehood may*
" *be told*; as upon the day of celebrating the marriage, if it is liable to be incomplete
" for want of giving certain articles, at that time, *if three or four falsehoods are*
" *asserted*, it does not signify; or if a man promise to give his daughter many or-
" naments, and is not able to give them, *such falsehoods as these*, if told to promote
" a marriage, are allowable."

" If a man, *by the impulse of lust*, tells lies to a woman; or if his own life
" would otherwise be lost; or if *it is for the benefit of a Brahmin; in such affairs*
" *falsehood is allowable.*"

136.—" If a man says to another, I will give you something if you are able to
" apprehend a thief or a murderer, or such kind of criminals, then even if the
" other should apprehend and bring such a person, nothing shall be bestowed on
" that account. If any thing had been given before the business, it may be taken
" back."

19. 20.—" A creditor is repeatedly directed, by *feigned* and by *evasive* pretences,
" to get hold of some of the debtor's goods."

Introd. to the Code, page 114. " The Magistrate is directed to send to the
" party in hostility against him, a man of intelligence, and well skilled in artifice,
" to insinuate himself among the enemy's men, and make them dissatisfied with
" each other, that they may quarrel and fight among themselves, and so be
" ruined."

It will be remembered, that the two last articles are not supposed to describe merely the practice or the counsel of sinister human policy, but to be, like the rest, the dictates of a divinity.

Mode of Sharing among Robbers.

Code, page 129. " The mode of shares among robbers is this: If any thieves
" by the command of the Magistrate, and with his assistance, have committed de-
" predations upon, and brought any booty from another province, the Magistrate
" shall receive a share of one-sixth of the whole; if they received no command or
" assistance from the Magistrate, they shall give the Magistrate, in that case, one-
" tenth for his share; and of the remainder their chief shall receive four shares,
" and whosoever among them is perfect master of his occupation, shall receive
" three shares; also whichever of them is remarkably strong or stout, shall receive
" two shares, and the rest shall receive one share. If any of the community of the
" thieves happen to be taken, and should be released from the Cutchery Court upon
" payment of a sum of money, all the thieves shall make good that sum by equal
" shares."

This is in every view, a curious, characteristic article. The translator of the code maintains, that it " by no means respects the domestic disturbers of the tran-
" quillity of their country, or violators of the first principles of society, but only
" such bold and hardy adventurers as sally forth to levy contribution in a foreign
" province." It were to be wished the article itself had spoken as definitely; but suppose it to be thus understood. In the first place then, it sets before us, not an open military expedition, but a thieving, robbing, excursion; for the actors are " robbers, thieves, by profession," they are recognized to be of a " community of
" thieves," to be amenable for the depredations they have committed, to the civil court, and if taken, liable to punishment.

2d.—The Magistrate directs and assists these robbers and thieves to plunder in another province. It is a clandestine operation, and his concern in it must therefore be clandestine. Booty is the professed object, and he shares it with them.

3d.—As this regulation authorizes the procuring of a release from the court which may have seized any of these offenders, by the payment of a sum of money, it sanctions the concurrence of the Magistrate in such a transaction, which has strongly the complexion of being a private corrupt bargain between the judge of that court and

and the culprit; but whether the ransom be a secret bribe, or a more open commutation for punishment, the principles of justice are violated, the Magistrate becomes a party in a complicated outrage against society, and is in fact countenanced by this ordinance in being indulgent, in his turn, to criminals who may come into his power, for a pecuniary consideration.

4th. But it may be asked, how this "community of thieves," some "perfect "masters of their occupation," are formed and brought to such a state of perfection in their vocation?—Can we conceive it to be solely by the exercise of their parts in alien lands? Born, educated, and dwelling in the Magistrate's district, is it to be supposed that they never practise at home? Yet the Magistrate harbours these *banditti*, he knows them personally, and he sets them at work.

If the translator's apology be admitted, that this is an ancient law, correspondent to the early manners of other nations, still it is to be remembered, that it stands in a code which claims to be divine, that therefore an equal authority is necessary to its repeal, and that it is offered to us as a law of the Hindoos at this day.

But what are we understand by "another province:" if it means another state, Hindostan consisted anciently, as it does now, of many states. This law was made for the whole Hindoo people; therefore it authorizes and encourages them to rob and plunder each other. It recognizes a community of thieves and robbers in each state, and makes it lawful for them to live by depredations on their neighbours. Such accordingly has been the practice of at least smaller divisions, in all time past. The zemindars, throughout Hindostan, keep robbers and thieves under their protection; and whatever else has changed, the business of pillage, often attended with murder, still continues universally and systematically. Can it be doubted whether this ordinance has not had a most powerful effect in establishing and fortifying a practice so ruinous to the peace and good order of society? Must we not believe that robbers, finding their professions evidently recognized and sanctioned by the law, have thence with a quiet conscience formed themselves into castes and bands, and that it is the persuasion of acting upon the divine authority of the Shaster, which inspires them with contempt of death, and perseverance, from one generation to another? Can we suppose that our prohibition; and our punishment of predatory outrage, will in minds *prone* to them, destroy that persuasion? But the ordinance under consideration can hardly apply to any other than small divisions of territory: and if we were certain that "province" means the territory of another master, yet no fact is more notorious than that the bands of robbers whom the zemindars of Bengal are known to entertain, employ themselves within that country; for its "domestic tranquillity is disturbed by them" perpetually from one end to the other, as the extract before quoted from Lord Cornwallis has evinced, and a variety of other vouchers might be produced, if necessary, to prove.

We see then a most glaring instance in this ordinance, of immorality in principle, and of the consequent wide diffusion of evil in practice.

To proceed to further examples.

SERVANTS committing Crimes by order of their MASTERS.—Divers Cases of Licentiousness.

Code, page 149. "If a servant, at the command of his master, *commits theft or "murder*, or any such crimes, in that case, *it is not the fault of the servant, the "master only is guilty.*"

239. "Adultery with common prostitutes and dancing girls, *shall not be finable.*"

247. "Several kinds of adultery allowed, *with consent of the Magistrate*, for the "trifling fine of ten puns of cowries," (less than a shilling.)

"If a man by violence commits adultery on his own slave girl, a fine of ten puns "of cowries," (about a shilling.)

151. "Prostitutes and dancing women:"—Cases stated, and decrees thereupon, including pimps, &c.

COMMISSION of a BAD ACTION allowed, to save life.

Code, page 271. "If a man in immediate danger of his life, *by committing a bad "action can save his life, in that case the Magistrate shall not fine him.*"

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Designing to Procure Death.

Code, page 268. "Performing a jugg (religious ceremony), to *procure the death of* "*an innocent person*, a fine of two hundred puns of cowries."

268. "Causing an innocent person to drink a potion, in order *to procure his* "*death*, a fine of two hundred puns of cowries."

Note.—They have great faith in both these expedients; intentional murder is therefore here rated at about ten shillings.

Concerning Gaming.

Code, page 254. "Games of chance are allowed *before the Magistrate*, or a "man belonging to him; the winner *to give half to the Magistrate.*" This last clause explains the reason of prohibiting hazard, except *before the Magistrate.*

138. "A man may become a slave by loss on the chances of dice, or other "games."

Scandalous and Bitter Expressions.

This is a copious article in the code, and becomes such from a correspondent feature in the character of the people. Virulent, foul, criminating abuse, overflows among them in a manner probably unparalleled any where else in the world. No language but their own could describe its shameless nature, and the malicious persevering eagerness with which they lavish it upon each other.

The Hindoo law has therefore found it necessary to arrange the various topics of scandalous abuse under distinct denominations, expressive of the quality, or rank, of the crimes which it imputes.

This classification is curious: it places together offences of very unequal enormity; it distributes into the same division, moral and ceremonial pollutions; and thus tends to lessen the guilt of some heinous iniquities, and to confound all just ideas of morality. For instance, under the second denomination, or class of crimes termed *maha-putuk*, with the murder of a Brahmin and *incestuous adultery*, there appears *stealing eighty ashruffees*, (about £. 120.) *from a Brahmin*, and a Brahmin drinking wine. Under the third, with "the murder of a friend," and divers kinds of incestuous adultery, is conjoined, "*eating the victuals of the washerman's or any base* "*caste.*" The fourth class termed *opoo-putuk*, which the glossary of the code explains to be "*small offences*," contains a large association of crimes, of which the following make a part.

Code, page 108. "Slaying a cow; adultery with the wife of another; performing the jugg to procure the death of any person; giving a philter to obtain an unwarrantable power; spoiling trees; eating victuals at the hands of an astrologer; a man's not paying his debts; stealing grain and metals, *except gold*; depriving a woman or a man of either of the three inferior castes, of life."

Petty assaults (see code, 191) are also frequent among these people, and proceed from the temper just described. They employ a large chapter of the code, in which a number of frivolous ridiculous cases, hardly fit to engage the attention of children, the offspring of superstition, pushed to endless punctilios, are stated. The punishment, though lighter in itself, proceeds in the same gradation, as that for scandalous imputations, of which the scale has been already given. But concerning these it may be observed, under this head, that there is surely a direct breach of moral propriety in taking "*abilities*" into the decision, especially by the superiority of ability to alleviate indecorous behaviour; yet this direction, very frequently occurs; and how is the superiority of ability to be ascertained? In this instance, as in numberless others, every thing is left to the judge.

Fourth, Of Laws which, without reference to Caste, go upon principles of Oppression and Injustice.

Of Inheritance.

Code, page 64. "A person born blind, deaf, or dumb, without a hand, a foot, or "a nose, &c.; whoever is of such general ill-behaviour, that his relations and

"partners

" partners refuse to eat or drink with him; whoever is so incurably disordered as " that remedies have no effect upon him; a man afflicted with a consumption, &c; " whoever procures his subsistence by an unwarrantable business or profession; is " thereby incapacitated for inheritance."

Note.—The relations must probably be often interested in the succession.

Of Recovering Debts.

Code, page 19. "After other methods prescribed there to a creditor for recovery " of debt, fail, *he shall carry the debtor home with him* and detain him. If this " mode also fails, he shall by *feigned pretences*, endeavour to get hold of some of " the debtors goods. If he succeeds not here, and has no pledge, *he shall then* " *seize and confine the debtor's wife, children, cattle, buffaloes, horses, and such kind* " *of useful animals, also his pots*, (necessary for dressing his food,) *clothes, matts,* " *and furniture*; and seating himself at the debtor's door, there receive his money. " If even these methods prove unsuccessful, *he shall seize and bind the debtor's* " *person, and procure by forcible means*, (corporal punishment,) *a discharge of the* " *debt.*"

21. "If a man acknowledges himself indebted to another, and yet refuses to " pay, the creditor shall use the means above specified, to recover his money " *without hindrance or molestation from the Magistrate.* If the debtor should " lodge a complaint, the judge *shall fine him*, and cause the creditor to be " paid."

37. "If during the time of a famine, or for the execution of some religious " purpose, or on account of sickness, or to satisfy the importunate demands of a " creditor, who has proceeded so far as to seize his debtor, and *confine him with-* " *out victuals*, the husband should appropriate to himself his wife's property, *with-* " *out her leave*, he is justifiable, nor *is he obliged to return or repay* what is so " appropriated."

These regulations are limited by the following.

Code, page 20. "If a man lends money to a Magistrate, his own master, " or a Brahmin, he shall not be rude or uncivil in procuring payment."

23. "When a creditor procures his money by application to a Magis- " trate, he shall give him *one-twentieth* of the sum received, for his interpo- " sition."

270. "If a Magistrate's officer hath brought before the Magistrate any person " for any crime, and upon the Magistrate's examining that person, he should " deny the crime laid to his charge, then, even if a small offence be proved " against him upon a trifling crime, the Magistrate shall levy a *great* fine."

Fifth, Specimens of laws which, without reference to Caste, discover a Spirit of Cruelty.

Code, page 211. "A man killing a goat, horse, or camel, *except for sacrifice, to* " *have one hand and one foot cut off.*"

212. "A man always guilty of selling the flesh of dogs or jackalls, for goat or " stag flesh, *to have his hand and his nose cut off, and his teeth broke.*"

217. "A man selling white copper, &c. to counterfeit silver, the Magistrate " shall break the *hands, nose*, and *teeth*, of such person, and fine him a thousand " puns of cowries."

220. "A man stealing an elephant or horse, excellent in all respects, the " Magistrate *shall cut off* his *hand, foot*, and *buttock*, and *deprive him of life.*" (*Note.*—Stealing a *man* of *inferior caste* is rated at a fine of a thousand puns of cowries, as we have already seen.)

218. "A man frequently guilty of counterfeiting gold, *to be cut in pieces with* " *a razor.*"

But the cruelty of the Hindoo people appears in no way more evident than in the whole of the treatment to which *their women* are subjected in society, under the

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sanction and authority of the code. They are truly an unfortunate part of the community, and greatly to be pitied. Receiving no education, disposed of in marriage without having their consent asked, or knowing any thing of the person to whom they are to be given, they are immured for life, and made mere servants in the family of their despotic lord. If barren, or bearing only daughters, they are neglected; and not always released from oppression, even when death removes the husband; for they are then frequently reduced to the alternative of sinking into a state of infamy, or of burning themselves with his dead body.

The code expressly sanctions this inhuman and astonishing custom.

253. "It is proper for a woman, after her husband's death, to burn herself in "the fire with his corpse."

"Every woman who thus burns herself, shall remain in paradise with her "husband, three *crore* and fifty lacks (three millions and a half) of years."

This strong recommendation and injunction from a law-giver, believed to be divine, is of course admitted to have the force of a religious obligation; and it is one of those institutions of which the Brahmins are very tenacious. We are naturally led to inquire, what could have been the primary cause of an institution so horrid. The Hindoo writings, so far as they are known, seem to be silent on this head: but an explanation however offers itself, from the principle of the perpetual separation of castes, and the manners of the people. It was essential to that principle, that the castes should marry each within itself. In a few permitted cases, men of a higher caste might take a wife from an inferior one of the original four orders, and all the children were deemed of that to which the father belonged; but in no case was it allowed to a woman of a higher caste to marry with a man of a lower.

Mixed intercourses were therefore almost universally prohibited under penalties; and the offspring which, notwithstanding prohibitions, appeared from that source, was degraded below the fourth caste. But polygamy has always been practised among the Hindoos, especially among those of the higher orders; and the latter wives must infallibly, from the custom of the country, be considerably younger than the husband, and generally still young when he dies. A multitude of widows must thus soon arise in the community, and from the nature of the case, progressively encrease. Second marriages of women, appear to be unknown and repugnant to the Hindoo law and usages.

When a woman's husband therefore dies, she is reckoned an useless being, and what is worse, a dangerous one. The jealousy of the Eastern people has placed their honour in the conduct of their women, as being what touches them most. Not the husband himself only, but the whole family are stained by the misbehaviour of a wife; and if she degrades herself after his death, they are still affected by her dishonour. If she should bring other children by a man of inferior caste, she would introduce, more signally than any misconduct in a man could, that disorder and confusion into the society which would tend to break down the lines of separation between castes. But seeing the number of widows must always be great, and they have no effectual superintendent or protector, there must be a proportionable danger of such irregularity as would at length make the exceptions bear down the rule; and if mothers, as in many instances might thus happen, were to rear the children of a Sooder with those left by her former noble husband, the higher caste could not be preserved, during infancy, from defilements produced by eating and drinking, and touching what appertained to the other; nor could the son of a Sooder, brought up in this way, afterwards regard his Brahmin brother and companion with the veneration deemed indispensably requisite to be shown to that order.

How then, might it be said, shall the evils to be apprehended from this source, notwithstanding prohibitions and disgrace, be prevented? Let an ordinance, professedly divine, recommend to widows a voluntary departure with their husbands to paradise, under an assurance of enjoying there a very long succession of felicity; honour shall stimulate them to embrace this choice, and lest the love of life should still prevail, the fear of infamy shall compel them to die. Nor would this expedient appear as shocking to the Hindoos, as it does to us. Admitting the separation of castes to be a sacred institution, whatever tended to subvert it, might be obviated, not only lawfully, but as a matter of duty.

Women

CHAP. III. *Causes of the present Situation and Character of the Hindoos.*

Women there have no concern in the education of their children after infancy; they cannot go abroad; the chief, if not the only way in which they are considered to be useful, terminates with the life of the husband; the code imputes to them the most depraved, impure, unsafe nature; they are ranked in the "*Bhagvad*" with those who are "of the womb of sin;" and it is believed that they are doomed to successive transmigrations, until they are regenerated in the body of a Brahmin. Vile therefore in their nature, and become useless and dangerous, to remove them from the earth, would be to study the preservation of order below, and to accelerate the course they have to pass through to a happier state. And thus there is a regular progress from the first stage of a false principle to a practical consummation that is tremendous.

Our supposition, that the original design of this institution was to prevent the dishonour and confusion of castes, appears to be confirmed by the terms of the ordinance in which it is delivered; for after saying that "it is proper for a woman "to burn herself in the fire with her husband's corpse," it adds, "*if she cannot "burn, she is to maintain an inviolable chastity.*" If *she remains always chaste*, she goes (still) to paradise, and *if she does not preserve her chastity*, she goes to hell *.

It is probable that though the ordinance speaks in general terms of any woman, the Brahmins might not mean its operation to extend beyond the higher orders, and might especially intend to preserve their own in all the distinction of purity necessary to maintain their authority. Among the lower castes it is seldom enforced. With the others, what was originally in part at least policy, is now superstition, or an honourable family distinction; and in this last view, the practice seems to have extended to other Eastern nations, who probably adopted it from the Hindoos. Expences and domestic inconveniences attend it, which may contribute to confine it to those alone, even of the superior castes, who are in better circumstances; but among persons of that description, happiness and misery, honour and infamy, the present and the future, are all urged as motives to destruction, with great and horrid success. The number of women thus annually destroyed in Hindostan, probably far exceeds the general conception of Europeans †.

As connected with this subject, it may be added in illustration of the cruel genius which pervades the Hindoo code, that the Vedes undoubtedly enjoin human sacrifices; that such were certainly formerly offered to Kallee, the Goddess of Destruction, one of whose terrific ornaments is a necklace of human skulls; and that there is reason to believe, that this infernal practice, though now publicly disused, has not yet entirely ceased ‡.

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* A paper in the fourth volume of the Asiatic Transactions, published long after this passage was written, exhibits a variety of decretory sentences from the Vedes and Shasters, relative to this subject, confirming in general the view of it here given. *Asiatic Transactions*, Vol. IV. page 209.

† No judgment can be formed of the number, from the transactions of this kind, occasionally seen about English settlements; by far the greater part takes place in the interior of the country, out of the view and intelligence of foreigners. Roger, a writer of great credit in the last century, relates that the *Kheterces* compelled their women to burn, reckoning it a disgrace if their wives were not laid on the funeral pile with them; and that during his residence at Paliacatta, a man of distinction of that caste dying, *sixty* of his wives were burnt alive with his corpse. A Hindoo of education stated to a friend of the writer, his conjecture that the victims thus annually burnt in the Bengal provinces, amounted to fifteen thousand. The calculation indeed seems excessive; yet if we adopt moderate data, the result will be enormous. Hindostan has been estimated to contain a hundred millions of inhabitants, and at least one-tenth of these to be Mahomedans. In the more opulent families of the three *inferior* original tribes, particularly the Kheterees, the practice in question is occasionally followed. Suppose then the four original tribes to make up two-thirds of the Hindoos, that is, sixty millions, the Brahmin families, with a small proportion of the Kheterees, and a few of those belonging to the other two tribes, to constitute a tenth part of the four original tribes, or six millions, the heads of families in this number to be one-sixth, or one million, the deaths of these annually, one in thirty, and (and a plurality of wives being in many of these families) one woman only to be burnt for each, the number annually sacrificed in Hindostan will then be about thirty-three thousand.

These data are all hypothetical and have little certainty; but let the proportion be reduced to the lowest probable scale, the annual immolation of human victims to a dire superstition, will still appear an enormity under which language must sink.

The principle alone, however, is so dreadful, that it needs not the aid of numbers to shew its atrocity.

‡ When Mr. Elliot, deputed by Mr. Hastings in 1777 to the Rajah of Berar, had advanced into the country, between that prince's capital and our territories, a young man presented himself, and solicited leave to travel under the protection of his suite; on being asked his reason, he replied he understood the rajah or zemindar of a district, before them, offered every year a human sacrifice, and generally seized some stranger passing by at that time.

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One article more shall close the elucidations from the Hindoo code.

Code, page 274. "In cases where it is ordered, a man shall be put to death, "instead thereof he shall pay one hundred ashruffees, (about £. 150); and where "it is specified that one of his hands, or one of his feet, shall be cut off, instead "thereof he shall pay fifty ashruffees; and instead of having two of his fingers cut "off, he shall pay twenty-five ashruffees; so also, when banishment from the king-"dom is his sentence, instead thereof he shall be fined twenty-five ashruffees."

"Men of *rank*, or *good principles*, or *learning*, committing such a *crime as to* "*deserve capital punishment*, if they are not men of property, the Magistrate shall "take less than one hundred ashruffees, according to his fortune."

"If a Brahmin who hath always acted in conformity to the Bedes, commits such "a crime as to deserve capital punishment*, the Magistrate, to prevent him in future "from the commission of such crimes, shall confine him in perpetual imprisonment." (No heavy punishment to a Hindoo, to whom indolent inactivity is a species of enjoyment.)

From what has been stated in the former part of this chapter, it will be understood that the ordinances quoted under this last article, as relating to criminal law, are not now a rule of judgment in our territorial courts, but they are introduced here for the sake of illustrating the genius of the Hindoo code. At first sight, they seem to diminish the cruelty of that code. They only afford however, a fresh and striking demonstration of its injustice and venality.

The best apology for a severe system of laws would be, that they were impartially administered. But here is an office of indulgence set up to the rich, and the pecuniary rates fixed at which they may commit crimes worthy of death. On the poor, who cannot perhaps raise one ashruffee, the laws must still have their course; and thus it becomes evident, that their steady object is not the prevention of offences, and that their remissions do not proceed from clemency; but that there is in the dispensation of punishments, a scandalous partiality in favour of rank and wealth, and a palpable regard to the emolument of the Magistrate. Indeed pecuniary fines are one great object of the code; they occur perpetually, the law is so loosely delivered that in personal disputes almost every thing is left to the discretion of the Magistrate, and one sure issue of them is his private advantage.

From this brief inspection of the Hindoo code, a tolerable adequate idea of its genius, in points upon which the happiness of society essentially depends, may be obtained. The articles which have been selected, are such as do not take their character from the light wherein they are placed, from forced constructions, or extraneous circumstances; their real nature, their intrinsic quality, their conformity or repugnance to the fair unalterable standard of good and evil, is evident. It cannot certainly have escaped attention, that the immorality, the injustice, and the cruelty of the code, are by no means confined to the instances which have been adduced under these heads, respectively, but appear in glaring colours in the numerous regulations which have been quoted, in reference to that wide and important subject, the distinctions in favour of the superior tribes. Actions are indeed often estimated, not according to their intrinsic good or evil, but according to the relation they have to caste.

Immoralities of every description are tolerated on easy terms to one part of the society, and some of the most atrocious kinds are permitted without reprehension, that is to say, have all the encouragement which a legal sanction can give them.

An unfeeling barbarity also runs through the punishments of the code; it defends sanguinary inflictions; and the translator, who is usually its apologist, acknowledges, that its "various modes of capital retribution contradict the general opinion adopted "in Europe, that the Gentoo administration was wonderfully mild, and averse "to the deprivation of life." If such an opinion has ever been general in the West, it was plainly a gross prejudice, and may show the necessity of paying more attention than has hitherto been given to the character of this people, in order to know it.

Of

* The implied consistency of these two suppositions deserves to be remarked.

CHAP. III.
Causes of the present Situation and Character of the Hindoos.

Of the effects produced upon a feeble, ignorant, superstitious people, by such a departure from the genuine principles of equity, truth, honesty, purity, benevolence, peaceableness, and good order, in a word, by such a standard of morals as these laws, professing the authority of a divine appointment, establish, it cannot be difficult to judge. It is a maxim so plain as not to be mentioned without apology, that a corrupt rule, must produce a practice still more corrupt, since no higher point of perfection being aimed at, and a progressive degeneration common to all establishments, the spirit and manners of the people, if seasonable reforms are not interposed, will in time become generally vicious.

But other causes have essentially co-operated in the formation of the Hindoo character; these are to be found in that part of their complex system which is purely Religious, and of which we next proceed to give some account.

So great an undertaking as a general or systematic exposition of the Hindoo religion, is not here intended. All that is proposed or thought necessary, is only a view of some of its tenets and institutions, which have a direct influence upon the morals and sentiments of the people; and these shall be presented under the five following heads:

First, Ceremonial and pecuniary atonements.
Secondly, Doctrines relating to transmigration.
Thirdly, The characters of the Hindoo deities.
Fourthly, Modes of worship.
Fifthly, Superstitious opinions, immediately affecting the conduct of the Hindoos in common life.

In the first place then, concerning that grand article, *the expiation of the guilt of sin*; the Hindoos are taught to have recourse to various ceremonial works and observances, and confidently to depend on these for absolution: real contrition and amendment, hatred of evil, and a respect to the holiness of the divine nature, do not appear to enter into their consideration of this subject. The whole is reduced to certain external performances; and in the Vedes, there are long enumerations of sins, that is to say, of offences against morality, and every species of offences which men can commit, with the particular expiation prescribed for each*. In general, these

* Ayeen Akberry, Vol. III. page 252.—Roger, pages 262, 267.—Sonnerat, Vol. I. pages 220, 273, & seq.—Religious Ceremonies, Vol. VI. pages 190, 221.—Baldæus, in Churchill's Collection, Vol. III. page 785.—Bernier, Tome II. page 221.—Herbert's Travels, page 334.—Bhagvad Geeta, page 46 et seq.—But see more particularly the Institutes of Menu, published since this tract was drawn up, Chap. II. pages 307, 343. The professed business of this chapter is to treat of *penance and expiation*. The efficacy of expiatory penance is laid down as a general principle or doctrine.

"Some of the learned, consider an expiation as "confined to involuntary sin; but others, from "the evidence of the Veda, hold it effectual even "in the case of a voluntary offence."

"A sin involuntarily committed, is removed by "repeating certain texts of the scripture; but a "sin committed intentionally, through strange "infatuation, by harsh penances of different "sorts."

After employing near thirty pages in describing various crimes, many of the deepest dye, and the performances by which atonement for them, if they are publicly known, and thence mischievous by their example, may be made, we meet with some sentences which speak of open confession, repentance, loathing of the sin committed, and abstinence from it. If the most favorable construction be put upon these expressions, what are a few such glimmerings of mental religion, amidst a heap of ceremonial observances, painful or ridiculous? They are overwhelmed and lost in a mass of false principles and senseless practices. They are indeed superseded and contradicted by the general tenor of this very chapter, and by the doctrine of penances; for no hint is any where given that the expiations and sacrifices prescribed in the Vedes are emblematical or typical, the plain and obvious sense of the precepts which enjoin them is that they really atone for sin. "*By these penances*," says the legislator, to quote the conclusion of his impositions for one species of offence, "*may a twice-born man* (one of the three "superior castes) *atone for the guilt* of theft." So with respect to secret sins, "the man who desires "to expiate his secret sins, great and small, must "repeat once a day, for a year, the text *ava* or "the text *yatcinchida*. Though he have com-"mitted many secret sins, he shall be purified by "repeating for a month the text *somarandra*, or "the three texts *aryamna*, *while he bathes in a* "*sacred stream*: or if he thrice repeat a *sanditá* "of the Vedas, or a large portion of them, with "all the *mantras* and *brah'manas*, dwelling in a "forest with subdued organs, and purified by three "*páracas*, (a total abstinence for twelve days and "nights,) he shall be set free from all sins, how "heinous soever." If some of the Brahmins should have juster views of the evil of sin, and of the necessity of moral purity, we may be assured that the bulk of the people, from whom even the contents of the Vedes are carefully concealed, rest in the external forms which are prescribed to them. So it has happened in various parts of Europe, amidst more general knowledge, and a light truly divine. Men have turned aside from that light, and resorted to inventions of their own, to penances, pilgrimages, indulgences, and supererogatory works; which being corruptly grafted upon a sytem in itself altogether pure and complete, have thence reconciled the practice of allowed sin, with the hope of pardon and of heaven.

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these expiations consist in pilgrimages, in living and dying in places reputed holy, in ablutions, in penances, in the celebration of festivals, in fasts, in largesses to Brahmins, in sacrifices and offerings to idols, in anointing the body with the excrements of a cow, and in other expedients of a similar nature.

It would far exceed the limits of this treatise, to enter into a detail of the methods adopted among the Hindoos for obtaining remission of sin. Besides those which the authority of the Vedes, or general usage has established, there are many other inventions, imposed by teachers individually upon their respective followers:—a few examples however shall be stated, of those which fall under the former description.

I. Holy Rivers, dedicated to one or other of the deities, Brahma, Vishnow, or Mahadeo, may be mentioned in the first place. There are twenty-eight of them named in the Ayeen Akberry, beginning with the *Ganges*, and traversing the whole continent to the *Indus*; so that all the professors of Hinduism are within reach of an antidote against the consequences of guilt. Each of these rivers has some peculiar property ascribed to it, and many places upon the banks are held sacred, and annually resorted to.

The virtues of the river *Ganges* are universally allowed to be pre-eminent;—the water of it assuredly purifies from all sin. Ablutions in it are used continually for this end, as Europeans daily see; and the dying, when within a moderate distance of it, are carried to its edge, and their feet are placed in the river, that thus they may have a happy passage out of life. Its water is conveyed to distant parts for the same purposes; and if persons confiding in its virtue are not within reach of it, thinking of it and invoking it, when they bathe in any other water, will still give them all the efficacy of it. This river is believed to have flowed down from Heaven; hence its transcendent excellency.

II. Holy Places*, dedicated to the same deities, are also spread through all parts of Hindostan. Some of the most distinguished are the following.—The city of *Kashee*, or *Benares*, with the district around it for ten miles. It is held that those who die here are transmitted immediately to Heaven. The celebrity of this city, and the continual resort to it of pilgrims, are well known.

Ayoda, or *Owde*, is another sacred region of considerable extent, hallowed by the birth of Rama, one of the most popular deities of the Hindoos.

Metra, with a territory around, is famous for the birth of Crishna, another of their distinguished deities.

Herdewar, where the Ganges falls into Hindostan, a place of great annual resort.

Ellahbass, formerly *Pyag* or *Prayaga*, at the confluence of the rivers Jumna and Ganges. This place is esteemed superlatively holy; the man who dies there, not only has the pardon of all his sins, but it is said, that whatever he wishes for, he will obtain in his next regeneration; and there also *suicide*, though in general thought by the Hindoos to incur future punishment, is deemed meritorious.

"The Hindoos," says Abul Fazel† "regard all *Cashmere* as holy land. Forty-"five places are dedicated to Mahadeo, sixty-four to Bishen or Vishnow, three to "Bramha, and twenty-two to the goddess Durgah. *In seven hundred places, there* "*are carved figures of snakes which they worship.*"

Cashmere is about two hundred and forty miles in length, and thirty-five in breadth.

The famous Pagoda of *Jaggernaut*, in *Orissa*, is another place of great sanctity. It is alleged that the body of Chrishna was carried there, by an inundation of the sea, from Dowarka, near Surat, formerly a station of distinguished fame and resort. At Jaggernaut, a Brahmin, who would every where else be defiled even by the touch of a Sooder, may receive, without the least stain, victuals from his hands.

There are many more such places of great resort in the Decan, and the northern parts of Hindostan. Rules are laid down for every pilgrimage to them, and various rewards promised to those who perform them‡.

Not

* Ayeen Akberry, page 255.
† Ibid. - - Vol. II. page 156.
‡ Ayeen Akberry, Vol. III. page 254.

Not only are pilgrimages held beneficial, both to the soul and to the body, but such is the virtue ascribed to the sanctity of the sacred places, that by *naming them only*, men receive the remission of their sins; and on that account great persons, who are somewhat solicitous on this score, run over the names of the principal of them every morning, as if they repeated a prayer; so that where a pilgrimage cannot be conveniently undertaken, yet the benefit may thus be secured*.

III. SACRIFICES, OFFERINGS, and FESTIVALS, are celebrated at particular periods, and by the different castes in their respective forms. These are deemed eminent means of obtaining absolution from guilt.

IV. ALMSGIVING is prescribed in various ways, for the remission of particular crimes, or the obtainment of particular favours†. The Dan-Poojah, a religious ceremony, in which by many fantastic modes, costly presents are bestowed, is conceived to be followed by prodigious rewards in a future state.

V. ENDOWMENTS TO THE BRAHMINS, TO PAGODAS, &c. are all esteemed highly meritorious, and the variety and extent of these cannot be described. A large portion of the lands of Hindostan has been transferred, by means of them, into the hands of the Brahminical order.

VI. RIGOROUS PENANCES, procure the pardon of some species of offences particularly enormous.

VII. Methods are likewise devised for the *benefit of those who have not been sufficiently careful during their own lives to ensure the pardon of their sins*, by which their friends who survive, are enabled to be highly useful to them. The body or the bones of the deceased being thrown into the Ganges, temporary happiness at least is procured to the soul, and the advantage of such a condition in another transmigration as shall at last bring it to Heaven. At Gaya, a famous resort of pilgrims in Bahar, there is a particular stone on which the god Vishnow set his foot; and a person by putting on this stone, in the form prescribed, a certain paste prepared there, and by repeating at the same time the name of a deceased friend, can transfer that friend from hell itself to supreme felicity. And this benefit he may extend, not to one friend only, but by repeated applications of paste, to as many as he can recollect, even of his distant connections.

VIII. WORKS OF SUPEREROGATION, to procure distinguished eminence in the heavenly world, are also exceedingly numerous, and many of them altogether astonishing. An account of them would fill a volume; and a few instances, however striking, would give but an inadequate idea. The hideous painful distortions, and tormenting inflictions to which the Joguis subject themselves, till life is wasted away, would be perfectly incredible if they were not so abundantly attested, and yet seen, by many who visit those countries. They afford new proofs of what the human mind can invent, and the body endure, in the way of torture, under the influence of superstition. There is reason however to believe, that this species of zeal rather declines in the present day.

But though the painful details which it furnishes must be spared, it would be injustice to the present subject not to mention that divers kinds of suicide are held by the Hindoos to be meritorious. These, as stated in the institutes of Akber, are five in number. "1. Starving. 2. Covering himself with cow-dung, and, setting it on "fire, consuming himself therein. 3. Burying himself in snow. 4. At the extre-"mity of Bengal, where the Ganges discharges itself into the sea, through a thousand "channels, he goes into the water, enumerates his sins, and prays till the aligators "come and devour him. 5. Cutting his throat at Allahabad, at the confluence of "the Ganges and the Jumna." To this last species of suicide, performed at appointed times, such as eclipses of the sun and moon, great stores of wealth are promised in the next state‡.

In short, the modes of expiating guilt, and of acquiring merit, are endless among this people. To accomplish this end, is the business of all their vast train of ceremonies, services and external performances; it is the very thing that has upheld the

* Roger. † Ayeen Akberry, page 174. ‡ Ayeen Akberry, pages 274. 174.

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the fabric of Hindoo superstition, and has perpetuated the credulity of the multitude, and the impostures of their priests: even the *Bhagvad*, the purest production of Hindoo theology, proceeds upon the same principles for the remission of sin. The ingenious Translator, upon whose authority it has been stated that this work is carefully concealed from the vulgar, also observes that the great ignorance in which they are kept, contrary to the better knowledge of at least the more enlightened of the Brahmins, supports, together with the ceremonies of the Vedes, the consequence, and the very existence of the Brahminical order. But although the *Bhagvad* refines upon the popular system, and contains some moral passages, with others, which though mystical, have respect to the intention of the mind in religious worship; yet it palpably admits polytheism and idolatry, and inculcates such pitiable and pernicious doctrines as the following:

"Those who eat not but what is left of the offerings, shall be purified from all "their transgressions. Some attend to the worship of Devatas or angels; others "sacrifice their ears and other organs in the fire of constraint. There are also the "worshippers with offerings, the worshippers with mortifications. Some there are "who sacrifice their breathing spirit, and force it downward from its natural course, "whilst others force the spirit that is below, back with the breath. *All these "different kinds of worshippers, are by their particular modes of worship, purified "from their offences* *."

An intelligent friend of the writer expresses himself thus in a late letter from Calcutta. "One day at a Brahmin's house, I heard a wonderful man, a Poorannee "(a reader of commentaries on their sacred books,) explaining their Shasters. He "frequently made the people burst into tears, and weep aloud. Whenever their "passions were touched with any pathetic passage, the man obtained several rupees, "thrown to him both by Brahmins and Sooders, only the latter attended their "donations with a *pernaum*, or act of worship to the Poorannee. The Sooders, "you know, are taught to worship the Brahmins, and they do it by *pernaum*, that "is, touching the ground with their heads while they pronounce the word, then the "Poorannee holding out his hand in a convex manner, says *isho*, i. e. *come*, amount-"ing to "thy sins be forgiven thee," for by "come" they mean to call all the sins "on the neck of the Sooder to the hollow of their hand, where a mystic fire "consumes them. The Brahmins are the true idols, while they carry about with "them the powers of absolution, and to break off their yoke will not be easy. One "evening I went to Kallee-Ghaut (a temple of Kallee), at the time of the Arutee, "which is performed by the moving of a lamp with several wicks about the face of "the goddess. When the operation was over, a Brahmin brought up the lamp, "and walked through a passage lined with poor Sooders on each side, who anxiously, "as he passed, put their hands for a moment over the flame before it went out, in "order to procure the remission of their sins *for that day*."

Upon the whole then it appears, that the Hindoos pursue methods of obtaining pardon of sin without regard to the disposition of the mind, or the conduct of life on their own principles. They may go on committing wilful offences every day, and as regularly wiping them off, and die at last pure and in peace, and pass through the water of the Ganges to happiness in a new state. For the violations of conscience, which though smothered is not extinct †; for the disregard of truth, of justice, and of mercy, their system has enabled them, without making any the slightest compensation to men, to give sufficient satisfaction to their gods ‡. To them they pay a certain quit-rent, or acknowledgment, for liberty to do whatever their inclination and ability may prompt them to, as far as their fellow creatures are concerned. Can we hesitate to say what must be the effect of such principles on their character? Among such a people, crimes must prevail. True it is, and greatly

* Bhagvad-Geeta, page 55.

† "If having performed any expiation, he feel "not a perfect satisfaction of conscience, let him "repeat the same devout act, until his con-"science be perfectly satisfied."—*Institutes of Menu, On Expiation*, page 339.

‡ This is spoken of their practical system. In a passage of the work just quoted (page 330) it is said that "the penitent thief must always restore "the goods that he stole." But besides that neither restitution nor penance can satisfy the offended justice of God, this seems to be spoken only of those who literally, by the act of stealing, subduct the property of others. It ought certainly to apply to all dishonest agents and traders, but is probably not so understood; if it be, surely no precept was ever less observed. The banks of the Ganges afford every day the sight of multitudes of worshippers of different lines of business, who are in the habitual practice of cheating, and never think of restitution.

greatly to be lamented, the prevalence of crimes is no new thing, nor peculiar to them. The ancient world exhibited a picture of the same kind; and to the dishonour of the Christian name, in countries nearer home, that pure religion has been changed into a mystery of imposture and corruption. But though it must be said, that the light which overspreads Europe, has prevented the same degree of effect from the system of delusive fraud still practised there, yet have not the consequences been infinitely prejudicial to those countries where it has prevailed; and is not that system likely, in the end, to dissolve the frame of society in them?

SECONDLY, The DOCTRINE OF TRANSMIGRATION, and others connected with it, universally received among the Hindoos, have great influence upon their modes of thinking and acting, and serve to weaken their sense of moral obligation. The Hindoos are taught to believe that their present corporeal habitation, and earthly sufferings, whatever they may be, result from their actions in a former state; and that there are inherent original qualities in the constitution of man, *from which* all his good and all his evil actions proceed. From these tenets it follows, that the commission of crimes is the result of *destiny*, and yet that they are punished; and that natural evils, the consequences of personal misconduct, will be regarded as the chastisement of offences to which destiny compelled the sinner in a former state. Thus ideas are introduced of original injustice, of arbitrary destination to sin, and to punishment, in the constitution of things; and offences bear the character of misfortunes rather than of guilt. It is very common to hear a criminal answer, when he is asked how he could be guilty of such atrocity, "that it was his *nusseeb*," his fate. The same persuasion extends to the success of men in life, particularly of warriors and conquerors; and he who has once got the opinion of a happy destiny in his favour, will from that very prejudice, achieve things which a contrary opinion might have rendered impracticable to him.

The doctrine of transmigration tends likewise to weaken the idea of future responsibility. It unites the soul sometimes to the human form, then again to one of the lower animals, in which, even according to the Hindoo notions, there is an incapacity for the exercise of rational powers, and a want of a moral sense: it likewise supposes the consciousness of former states of existence to be lost. Hence there is no sense of personal identity, no suffering from the reflection of past crimes, no real perception of the reasons of suffering; but merely passive temporary endurance. It is true the Brahmins have an art by which they profess to discover the former state and character of persons, by their present sufferings; but the existence of such an imposture does not invalidate these observations, since with whatever credulity it may be regarded by a Hindoo, it cannot impart to him the conscious knowledge of experienced truth. Its chief object seems to be money, and as it affords a curious specimen of the subjection into which the human mind may be brought, some notice of it shall be taken hereafter.

The Hindoos, indeed, entertain such inadequate and obscure apprehensions of a future state of punishment, and have so many ways of fortifying themselves against them, that their moral conduct is little influenced by fear derived from that source.

One of the notions which they have acquired from the doctrine of transmigration is, that some departed spirits may be doomed to whirl for ten days after death, like devils, in the air, suffering from hunger and thirst; and therefore during that space, after funerals, victuals are laid out for the birds, that the unhappy deceased, if they are floating in the airy regions, may partake of the food. On the other hand there is a happy state, to which the *course* of transmigrations may convey men, to the court of *Indra*, God of the Firmament, "where," says Sir William Jones, "the "pleasures, as in Mahomed's paradise, are wholly sensual."

But even he who is arrived at paradise is not secure; for the omission of certain ceremonies, or oblations to the manes of deceased ancestors, by the *descendents* of those no longer in a state of probation themselves, is dreadfully fatal, "precipi- "tating the unhappy persons into *nark*, or hell, thence to be borne again into the "bodies of unclean beasts, until by successive regenerations, all sins are done away*." These offerings, which come under the denomination of sheradha, are made by some daily, by others monthly and annually; and the manner of performance is thus explained in the Ayeen Akberry †. "*He gives to the Brahmins*, money, goods, and "food, dressed and undressed, in the name of his father, grandfather, and great- "grandfather,

* Notes to the Bhagvad. † Vol. III. page 231.

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"grandfather, and of his mother, grandmother, and great-grandmother." The principle upon which they proceed, is that of increasing the welfare, solace, and enjoyment of departed progenitors; the real effects are to provide a stated succession of sacrificial entertainments for the Brahmins, to add to the ceremonial burthens and superstitious terrors of the people, by threatenings of dreadful consequences, as well to those who omit these rites, as to the spirits of the deceased, who are thus neglected.

What suitable ideas of spiritual happiness and of divine justice can a people, adopting such a practice, possess; and how must it discourage virtuous exertion to think, that all may be *undone after the death of the performer*, by the carelessness of another person!

THIRDLY, The CHARACTER of the WHOLE MULTITUDE of HINDOO DEITIES, male and female, is another source of immorality. The legends and histories of their actions are innumerable, and in the highest degree extravagant, absurd, ridiculous, and incredible. But the feature by which they are, above all, distinguished, is the abandoned wickedness of their divinities, Brahma, Vishnow, Mahadeo, (who are held to be respectively the creator, the preserver, and the destroyer of the world,) and of all the rest, in their several subordinate capacities. The most enormous and strange impurities, the most villanous frauds and impostures, the most detestable cruelties and injustice, the most filthy and abominable conceits, every corrupt excess and indulgence, are presented to us in their histories, varied in a thousand forms. These scandalous legends are more or less known among all the millions of Hindostan; they form an immense series of adventures, which fill the imagination of a weak and credulous people; very many of them are perpetuated by images, temples, and ceremonies, and those of such a nature as it were pollution to describe. Representations which abandoned licentiousness durst hardly imagine within the most secret recesses of impurity, are there held up in the face of the sun to all mankind, in durable materials, in places dedicated to religion; nay, they are the objects of religious adoration, and miniatures are taken from them and worn by multitudes about the neck*. Is it conceivable that the senses and imagination of the people, especially of the youth, should not be utterly depraved by such representations; or that all feelings and ideas of natural modesty should not be confounded and extinguished by them? What then must be the effect when religious influence is superadded?

If such indecent exhibitions as are now forbidden by the law in this country, were to be presented to public view with the highest honour, in lofty and elegant edifices, appropriated by the legislature for that purpose, and all ranks, sexes, and ages, were encouraged to resort to them; if religious merit were added as a further encouragement; and if the practice were to be permanent; what would be the effect upon the general manners? A great revolution in all ideas of modesty, chastity, continence, and decorum; the exclusion of sentiment and virtue. Of all these, nothing would be left, but the consideration of what custom had prescribed, and positive institution had forbidden, as to exterior demeanor and conduct. Such is the state of the people of Hindostan as to these points: there is a discernible absence of our feelings and opinions of propriety and decorum in what regards the sexes, a grossness in their language, manners, and ideas, which (whatever allowances are to be made for the differences of eastern or of ancient habits of life) is best to be accounted for by tracing it to this source. There is a certain modesty which seems to be inherent in the constitution of the human mind; traces of it are to be seen in the rudest hordes still uncorrupted; it is positive corruption that destroys it; and the usages of the Hindoos must therefore be an effect, as well as a cause of depravity.

Nor are these which have been enumerated, the only ways in which the Hindoo mythology influences the manners of the people. He who wants to glut his revenge, knows where to address himself to a patroness, Kali (or Kalee), the Goddess of Destruction, has still many votaries; and the Vedes afford examples of sacrifices and tremendous incantations for the destruction of enemies. The robber also, when about to issue forth against the person and the property of his neighbour, propitiates his

* Ceremonies Religieuses, Tome VI. passim.—Roger, page 157.—Voyage de Gentil, Tome I. page 163.—Voyage de Sonnerat, Vol. I. page 41 & 175.—Hamilton's Travels, Vol. I. page 379.—Pietra della Volle, page 55, &c.—Sir William Jones, in the first Vol. of the Asiatic Transactions, page 254.—Baldæus, in Churchill's Collection, Vol. III. passim.—Nieuhoff, in Ditto, Vol. II. page 184.—Fryer's Travels, page 179, &c.

his tutelar deity for a successful expedition. We have seen from the code, that the practice of offering worship and sacrifices, in order to compass the death of another, is known to the law. In short, what is the nefarious practice for which a patron may not be found in the Hindoo pantheon? The morals of these people are therefore poisoned at the fountains and altars of religion.

FOURTHLY. The WORSHIP and CEREMONIES practised by the Hindoos, with various circumstances appertaining to them, have the effect of *vitiating*, as well as of *stupifying*, their minds. In an enlightened land it may appear superfluous, formally to state, that such are the consequences of idolatry; but that which is admitted, it may be well also, to recollect and to view, as exemplified in practice. The divine nature is infinitely degraded by every material representation; and the man already so gross as to resort to one, becomes more gross in using it. If he does not at length drop the idea of a distinct invisible power, and think only of the object before him, (as there is reason to suspect he will,) he at least believes that his god inhabits the stock or the stone, which he has set up. European apologists for so monstrous a practice, have been willing to deny this idea of idolatry; but an evidence of far superior authority, the author of the Bhagvad, asserts its reality. He introduces Crishna, who is *there represented as Vishnow, with supreme authority*, saying, "the "ignorant * believe me, who am invisible, to exist in the visible form under which "they see me †." And the learned translator of the Bhagvad is of opinion, that it was one of the aims of that work, "to induce men at least to believe God, that is "the Supreme God, present in every image before which they bent." Between depraved opinions entertained of the Divine Being, and depraved practice, there is a necessary and inseparable connection. Those opinions originate from corruption, and he who makes a god for himself, will certainly contrive to receive from him an indulgence for his corrupt propensities. Hence all the scandalous and shocking proceedings, of which some intimation has been given in the preceding pages. If we suppose the origin of the erroneous notions in question to have been the allegorization of physical truths, or of the powers of nature, still if the inventors had not ceased to be shocked by lust, fraud, and robbery, would they have stamped those qualities on their gods, and chosen extravagant representations of them as badges of religion? In all the popular worship of the Hindoos, God is never set forth under the idea of *Holiness*, "as of purer eyes than to behold iniquity;" nor is any service offered to him worthy of a rational mind. *The Supreme God has indeed neither temple nor honour among the people*; the few Brahmins who recognize his being, do not suppose him to concern himself with the affairs of the world; and the better conceptions which they have of his nature, (though the rays of original truth scattered through their system, are overwhelmed in the mass of polytheism and idolatry,) they hold as speculations, which they conceal from the multitude, and in practice oppose. So that the indulgence in immorality, which we have seen to be carried to such a length, is not the perversion and degeneracy of their system, but its very essence.

Unrestrained however as the Hindoos are, with respect to immoral licence, they gain little satisfaction from their religion, with regard to those things which affect them most, namely, natural evils, and the interests of the present life. They do not consider one Mind, one Power, as governing the universe; they are distracted by a multiplicity of deities, who are not represented as acting in uniform concert, but often as at variance. It must generally therefore be an uncertainty among them, whether the tutelar deity whom they have chosen, is able to protect them; whether the prayers of their enemies may not prevail; whether other deities, whom they do not assiduously serve, may not injure them; though they multiply inventions to persuade themselves, and others, of the pre-eminence of their respective peculiar deities; and the followers of Vishnow and Eswara are, on this account, in mortal opposition to each other.

They invoke indeed particular deities for particular things, (with ceremonies of the most abominable kinds, in which the women are pre-eminent,) and those of the subordinate classes are perhaps not to be enumerated. But after all, they think it best, especially the lower castes, to endeavour to conciliate evil spirits likewise, to deprecate their malice, and implore their friendship. To one of them ‡ they sacrifice, on

* The "ignorant," from the whole scope of the work whence this is taken, appear to be all except a few of the most enlightened Brahmins.

† Bhagvad-Geeta, page 71.

‡ Called by Roger, page 243, Ganga-gramma.

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on the festival dedicated to his honour, goats and buffaloes, instead of a man, the sacrifice which it is said was formerly offered; at which time also, some of his deluded votaries were wont to throw themselves before his processional car, that by being crushed under it, they might receive a happy death. The practice still common, of swinging by hooks fixed in the muscles of the back, and attached to ropes, which with a lever raise the body to a considerable height, is performed in honour of this malevolent spirit. This is the same deity described by Sonerat* as a goddess, under the name of Mariatale, who, he says, was a most infamous woman, guilty of all sorts of cruelties; but her body after the head had been deservedly severed from it, being re-animated by an evil spirit, she is now, under this decapitated form, greatly feared and served by the lower Indians on the Coast of Coromandel, and by the Pariaus in particular, who put her, he adds, above God.

Another mode of honouring their deities, is common in those provinces where the Mahomedan invaders never fully settled themselves. Troops of prostitutes are attached to the pagodas, they are brought up as the servants of the idol, dance in its processions, and make part of the establishment of the place. The accession of such auxiliaries to a religious institution, and the belief of their being even in an enviable state as to another world, are justified by the legendary merit of one of their order, who is related to have been visited by Dewender, keeper of the celestial regions, in the form of a man, and to have shown great fidelity to him. Let this notorious fact declare, whether the impurity of their deities and temples, has any connection with immorality in practice.

The Hindoo mythology has not only the tendency of directly vitiating the heart, but gives such false notions of nature, as must envelop the mind in gross ignorance and error, and thus strengthen the dominion of superstition, and its attendant vices. Their legendary allegorical histories of the creation of good and evil spirits, and saints, with their wars and actions; of the elements, the seasons, and the planets, all of which are personified by them, have come at length literally to be received by the vulgar; who thus seriously believe that the sun and moon are animated beings, or Dewtahs, and that when they are eclipsed, two evil spirits, or dragons, have seized them. On such occasions therefore vast multitudes have been used to resort to the rivers for the purpose of ablution and prayer, to beat the water, and make hideous noises, in order to induce the dragons to relinquish their hold. Bernier witnessed a scene of this sort at Delhi, in the last century, of which he has given a striking description†. The people in our settlements do not seem now to be so loud on these occasions. The learned among the Brahmins know better: but if they have for more than two thousand years, persisted in keeping the vulgar under such absurd deception, they are very unworthy depositories of science. In the knowledge of the globe they seem to be themselves grossly defective, maintaining a scheme of geography, imaginary and ridiculous, the offspring of the same genius as the mythological legends. The extravagant errors of the Hindoos respecting visible nature, tend to render their minds less apt for the perception of moral truth.

Besides the consequences of idolatry, which are universal, the very appearance of the Hindoo idols in general, has a tendency to degrade the worshippers: they are hideously ugly, with many heads, arms, and weapons; with great teeth and eyes, and terrific countenances, of a black colour; many of them smeared with oil, and smelling strongly of it. They are shut up in narrow dark rooms, and the approach to them is through obscurity and silence. The scandalous obscenity of others has been before hinted. Figures of the monkey, the bull, and of various other animals, are often placed around, and worshipped as the attendants of the superior deity of the place.

Of the innumerable, strange, and antic ceremonies, gestures, and postures, practised by the Hindoos in their worship, no full description can be given. They are varied according to the rules of different sects, and the fancies of individuals. The account contained in the Ayeen Akberry‡, of the *Poojah*, a form in daily and ordinary use, will give some idea of them, and hardly fail to excite commiseration for the deplorable blindness of the people.

" *Poojah* is divided into sixteen ceremonies. After the worshipper has performed " his usual ablutions, with the *Sindehya* and *Howm*, he sits down, looking towards " the east or the north, with his legs drawn up in front; then taking in his hand a " little

* Vol. I. page 246. † Tome II. page 97. ‡ Vol. III. page, 226.

" little water and rice, sprinkles the idol, thinking that he thereby begins the worship " of God. Next is the *Kulsh Poojah*, or the worship of the conch-shell. Last is " the *Gunta-Poojah*, which is plaistering the bell with sandal wood. When he has " performed these Poojahs, he throws down a little rice, and wishes that God may " be manifested; thus far includes the first of the sixteen ceremonies. 2. He places " a table of metal, or any thing else, as a seat for the deity. 3. He throws water " into a vessel, to wash his footsteps. In Hindostan it is the custom, that when a " superior enters the house of an inferior, he washes his feet. 4. He sprinkles " water thrice, to represent the idol rinsing his mouth. It is also the custom for " an inferior to bring to a superior water to rinse his mouth before meals. 5. Sandal " flowers, beetle, and rice, are offered to the idol. 6. The idol and his seat are " carried to another spot. When he takes in his right hand a white conch-shell full " of water, which he throws over the idol, and with his left rings the bell. 7. He " dries the idol with a cloth, replaces it upon its seat, and dresses it. 8. He puts " the zenar (a sacred thread) upon the idol. 9. He makes the kushck (lines with a " composition of cow-dung, &c.) upon the idol, in twelve places. 10. He throws " over the idol, flowers or green leaves. 11. He fumigates it with perfume. " 12. He lights a lamp with ghee (clarified butter). 13. He places before the idol, " trays of food, according to his ability, which are distributed amongst the by- " standers, as the idol's leavings. The 14th is called *numskar*, which is worshipping " God with heart and tongue; and stretching himself at full length, with his face " towards the ground, (this prostration is called dundowt); then he lays himself in " such manner that his eight members touch the ground, namely, the two knees, " two hands, forehead, nose, and cheeks; and this they call *shastang*. *These kinds " of prostrations are also performed to great men.* 15. He compasses the idol " several times. 16. He stands like a slave with his hands uplifted, and asks per- " mission to depart. There are particular prayers, and many different ways of per- " forming these sixteen ceremonies; and others believe that only from the ninth to " the thirteenth are indispensable duties. Excepting a *Sonny-assy* and a *Sooder*, all " other Hindoos perform this Poojah thrice every day."

Fifthly, The spirit of superstition extends among the Hindoos to every hour, and every business of life. The particulars recently stated, though striking, give no adequate idea of the universality of its operation; and to follow it through all its influences, would be an endless task. Some further illustrations may however suffice to confirm the existence of such a spirit, and to prove its powerful and incessant influence over the minds of this people. Affecting, in a variety of ways, their understanding and their conduct, it must also enter, in no inconsiderable degree, into the constitution of their moral and national character.

The Hindoos, it has been already observed, are afraid of evil spirits, such as are denominated among us, dæmons and genii. They believe the world to abound with them; every little district has its haunted places; and persons who pass them often, make some offering, or render homage to appease and conciliate the residing genius. Many are the devices in use amongst them to fortify themselves against the assaults of these malignant beings, which they apprehend on small occasions as well as on great; for when a Hindoo yawns, he performs a short exorcism, to prevent the dæmon from seizing that opportunity of entering into his body. Possessions are most firmly believed by them, and the appearance of them is not at all uncommon. The persons are evidently convulsed and agitated in an extraordinary manner; they declare that a spirit has seized them; and there is seldom reason to think them insincere in making such assertions, because the circumstance happens to servants, and others, who from caste, and the usages of the country, hardly ever meddle with the curious arts. The notion of apparitions, is also very familiar among the people. Their legends countenance it, and their imaginations, weak and inordinate, multiply relations of this kind. It is supposed also, that the spirits of the dead have access to the living, in various ways, and may do them good or evil. Witchcraft is universally believed, and practised among them. Every village has one or more female professors of this art, and wizards also abound: these are dreaded, accused, and resorted to, as was the case in Europe in the dark ages. But in Hindostan, this is still an active and flourishing profession. The several arts of divination, soothsaying, sorcery, necromancy, and above all, astrology, are well known and highly regarded. From the work of Abul Fazil, it would appear, that they are all explained and sanctioned in the Shasters. The Vedes, we know, enjoin the horoscope to be drawn at the birth of a child, and this is con-

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stantly practised. The Magistrate, among the Hindoos, was bound always to have skilful astrologers and soothsayers about him. The code imposes punishment upon *any one ignorant of astrology*, who shall presume to predict misfortune to the Magistrate. No affair of importance is at this day undertaken without consulting a soothsayer.

Incantations also, which form another very large branch in the occult arts of the Hindoos, are amply treated of in the Vedes, and in practice are universal. Their object is unlimited; to procure all good, and avert all evil.

With incantations, may be classed the endless variety of charms, spells, talismans, amulets, and other inventions of this nature, of which no individual, small or great, of all the millions of the Hindoo race, is destitute. The confidence reposed in these things is wonderful. It is a part of the duty enjoined in the Hindoo code to the sovereign, "that he keep magicians, men who can cure by spells," upon which far more reliance is placed than on medicine. While the writer of this sketch was in Hindostan, he saw in one morning, two fine young men, the pupils of a snake-charmer, lying dead, in consequence of their undoubting confidence, that the spell which he had taught them would render the poison of the serpent innoxious. Presuming upon this spell, first one and then the other provoked a most venomous snake to bite him, and in two hours they were both corpses, leaving destitute families. Unsuccessful instances of this sort do not open the eyes of the people. They are referred to irregularity in the application of the spell, and do not impeach the efficacy of the art.

As a further illustration of this vast system of imposition, the following transcripts are made from the Ayeen Akberry*, the work it is to be remembered, of a man of the first eminence for talents, rank, and information, who was born and passed his life in Hindostan.

SUR,

"Is the art of predicting events, by observing in what manner the breath issues "through the nostrils. The breath comes out of the nostrils after three ways. First, "when it comes mostly out of the left nostril. This they attribute to the influence "of the moon, and call *adda* and *chandernaree*. The second, when it issues most "from the right nostril, which they attribute to the influence of the sun, and therefore "call *soorejnaree* and *pingela*. The third is, when both nostrils breathe equally. The "following is the order in which the breath ought to pass through the nose:—from "pervà to the third tith, chandernaree, and the same number of days soorejnaree, "alternately throughout the month: others, make it weekly, thus, Sunday, Tuesday, "Thursday, and Saturday, soorejnaree; and Monday, Wednesday, and Friday, "chandernaree. Others maintain that it is regulated by the sun's course through the "zodiac, Aries beginning with the soorejnaree, Taurus with chandernaree, and thus "alternately through all the signs. All the learned of the Hindoos believe, that if "a man breathes differently from one of these three ways, some misfortune will befal "him; if the irregularity lasts two days, a quarrel will ensue; if it continues ten "days, some misfortune will befal him; if fifteen days, he will have a severe fit of "sickness; if for a month, his brother will die. Others speak thus of the irregularity "of breathing; if for a day and night, soorejnaree is in excess, the person will die "at the expiration of a year; if it lasts two days and nights, he will live two years; "and so a year for every day; if the excess continues for a month, he will die at the "end of the ensuing month. For the excess of chandernaree, they say, if it lasts "a day and night, that person will have a fit of sickness at the expiration of a year; "and according to the number of days he will be so many years sick."

The manner of predicting events by the knowledge of this art†.

"If any one comes to enquire whether a woman who is pregnant shall be deli-"vered of a boy or girl, the person who is to answer, must examine the nostrils of "the questioner; if he breathes more through one nostril than the other, and stands "on that side, it shall foretel a son; but if he happen to place himself on the "opposite side, it shall indicate that it will be a daughter; if he breathes equally "through both nostrils, there will be twins. Some believe that if the questioner "stands on the soorejnaree side, it will be a boy; and if on the chandernaree, a "daughter; and that if the breathing be equal, it denotes an hermaphrodite."

If

* Vol. III. page 175.

† Ayeen Akberry, Vol. III. page 176.

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" If an inquiry is made concerning a person who is sick; if the questioner stands " on the soorejnaree side, the sick person will die; but if on the chandernaree side, " he will recover."

" If it be inquired whether or not an enemy's army will come; if the questioner " is chandernaree, and stands on that side, the army will come; but if he is soorej- " naree, and stands on that side, it will not come."

" If he enquires concerning peace and war; chandernaree implies the first, and " soorejnaree the last."

AKUM *,

" Teaches what incantations are advantageous, and what are hurtful; what " will improve the understanding, *increase rank and fortune*, cure diseases, *subdue* " *enemies*, cement friendships, insure the conquest of countries, and advance the " success of government."

SHOOGUN †,

" Is the art of discovering what is now happening, and predicting future events " by *observing the motions* of birds. This is an art in which many Hindoos " are skilled."

" The learned Hindoos discover hidden things by means of five things; 1, *Astro-* " *logy*,—2, *Sur*,—3, *Shoogun*,—4, *Keyweel*, which are omens learnt by throwing dice, " —5, *Samdirg*, predicting from observing the form of the limbs, and their motion, " and the lines and moles on the body."

GARUD ‡,

" Is the art of repeating certain *incantations* for recovering a person who has been " stung by a scorpion, or snake, or any other venemous reptile. This is done by " repeating his gencalogy and praising his ancestors, which obliges the animal to " present itself. The following is a wonderful fact. When they have caught an old " snake of a particular species, they repeat certain incantations, and then make it " bite a Brahmin; when the poison takes effect, the Brahmin continues for some " time in a state of stupefaction, when, upon any question being put to him, he " gives answers which are invariably found to be true. The Hindoo philosophers " believe that during the revolution of the Cal-jowg, nothing is truer than such " answers. And these answers have been collected together into several volumes."

INDERJAL §,

" Includes the art of necromancy, talismans, and slight of hand, in which they " are wonderful beyond description."

But the excessive solicitude of the Hindoos about the future, is in nothing more conspicuous than in their regard to omens, signs, lucky, and unlucky days. They carry this attention to a length almost incredible. It interferes perpetually in all the affairs in which they are concerned, as Europeans who have to act with them have the mortification to find. Roger, a Dutch clergyman of great credit, frequently cited in this treatise, has given in his work, written in the earlier part of the last century, on the Coast of Coromandel, and since translated into French, an account of their proceedings in this respect, which so well suits the present manners of Bengal, that while it fully illustrates the subject under consideration, it evinces the sameness of character, prevalent among them in distant periods and places.

" D'autant‖ qu'il a esté dit dans l'onzieme chapitre, que les Brahmins, et autres " nations payennes, prennent garde aux jours, quand ils ont dessein d'aller faire " la demande d'un marriage, ou pour le confirmer, il ne sera pas pour ce sujet, " hors de propos, de parler un peu comme on prend garde au signes et aux choix " des jours."

" Ils n'entreprendront point une affaire qu'en un jour, qui, selon leur compte, " est bon; et s'il se presente quelque signe ce bon jour-là, qui selon leur opinion, " est mauvais, ils ne la poursuivront pas, craignant que la fin n'en soit pas bonne.

" Quand

* Ayeen Akberry, Vol. III. page 177.
† Ibid. - - - III. - 178.
‡ Ibid. - - - III. - 178.
§ Ayeen Akberry, Vol. III. page 179.
‖ Roger, Porte Ouverte, page 71.

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" Quand ils ont le dessein d'entreprendre un voyage par terre, ils avanceront sou-
" vent leur voyage, pour prendre l'occasion d'un jour et d'une bonne heure, quoique
" ce seroit vers le soir, et qu'ils ne pourroient pas aller plus d'un quart d'heure loin
" de la ville, cela n'estant pas capable de les en empescher, estant asseurez que
" quand ils partent en une bonne heure tout leur voyage sera heureux. Ils differont
" souvent leur voyage quelques jours, pour avoir un bon jour et une bonne heure;
" et il arrive souvent, (comme j'ay dit,) qu'ils ont perdu, en attendant les bons
" jours, la bonne occasion, et le temps propre, pour avancer leur voyage, et pour
" avoir un heureux succez de leurs affaires. De façon qu'on peut dire, avec juste
" raison, de ces payens-là, ce que *Seneque* disoit des sabats des Juifs; " que
" plusieurs choses, qu'on devoit faire à l'instant, estoient souvent perdues, ou ne
" se faisoient jamais, à cause qu'on differoit, et qu'on ne les faisoit pas en temps."
" Il s'en va de cette façon avec ces payens-cy; car pendant qu'ils attendent assez
" des bons jours, et les bonnes heures, ils les perdent souvent, et souffrent beaucoup
" de dommage; et ce que je n'ay pas vu seulement une fois, pendant que j'ay
" fait là ma résidence, mais d'an en an, que par le retardement, ils ont laissé passer
" le temps de *mouson*, et ont esté contraints de revenir, sans rien faire, apres estre
" parvenus à la moitié du chemin de *Pegu*, Jannasseri, et Achim*. C'est une
" chose estonnante, qu'ils ne deviennent pas plus prudents pour l'avenir, par le
" dommage, et la perte qu'ils souffrent continuellement; qu'ils persistent et con-
" tinuent tousjours dans leur ancienne erronée, et inutile practique. Comme
" cette opinion est profondément enracinée en eux, ils n'en peuvent pas estre
" divertis."

" Mais† pour entendre ledit *panjangam* (almanach) il faut sçavoir, comme nous
" avons dit au chapitre précédent, que les payens avoient trente heures au jour, et
" trente heures à la nuict. Il est déclaré dans ce *panjangam*, touchant chaque jour
" de la semaine, et touchant chaque heure qui se rencontre dans le jour, ce qu'on
" peut faire en icelles avec bons succez, et ce qu'on doit laisser."

" 1. Que le dimanche commençant au lever du soleil, la premiers heure est
" bonne pour toutes sortes d'affaires de discours, ou de conseil."

" 2. Si l'on entreprend quelque affaire, qui apporte ordinairement du profit, elle
" succédera bien, et apportera du profit."

" 3. Si l'on entreprend quelque affaire pour en recevoir du profit, elle ne
" succédera pas bien."

" 4. Si l'on espere recevoir quelque chose de bon, l'enemy jouira de ce
" bien-là."

" 5. Il y aura du profit à faire merchandise."

" 6. Il fait bon célébrer une feste, ou entreprendre quelque chose concernant
" joye ou doctrine."

" 7. Traité touchant femmes succédera selon le desir."

" 8. La marchandise ne donnera point de profit."

" 9. Comme en la sixieme heure."

" 10. Ce qu'on entreprend ne succédera pas bien."

" 11. Il est mauvais de prendre mêdicine, ou de faire quelque chose pour le
" contentement du corps."

" 12. Qui cherche victoire, il luy succédera bien."

" 13. Il fait bon d'acheter des vaches, des bestes, &c."

" 14. Il fait bon de prendre quelqu'un à son service."

" 15. Il est mauvais d'entre dans une maison neuve, ou de visiter quelqu'un dans
" sa maison."

" 16. Il est bon de commencer quelques maisons, village, ou ville."

" 17. Il n'est pas bon d'entreprendre un voyage."

" 18. Il est bon de visiter les grands."

" 19. Il est bon de faire des images à l'honneur des pagoden."

" 20. Il est mauvais d'entreprendre quelque chose."

" 21. Celuy qui pense gaigner quelque chose, sera trompé."

" 22. Celuy qui entreprend une bataille, la perdra."

" 23. Il

* The mariners concerned in these voyages were probably Mahomedans, the owners of the vessels may have been Hindoos, but both have this superstition.

† Roger, page 84.

" 23. Il est bon de rechercher l'amitié."
" 24. Il fait bon se battre."
" 25. Il fait bon prendre conseil de quelqu'un quelque part."
" 26. La marchandise n'apportera pas de gain."
" 27. Qui aura la connoissance d'une femme, aura un enfant."
" 28. Tout ce qu'on entreprendra, réussira."
" 29. Celuy qui entreprendra quelque chose de plaittage, aura bon succez."
" 30. Tout ce qu'on souhaitera auparavant, ne succédera pas bien."
" Il ira de mesme la nuict, d'heure à heure, jusqu'au soleil levant."

The other days of the week, and the sixty parts into which each is divided, are detailed in the same strain; and thus every half hour is marked by something specific to be undertaken or to be avoided *. How much the affairs of life, and all rational considerations about them, must be interrupted; how much the poor people, who are enslaved to this superstition, must be harassed by it; may easily be conceived. They seek relief from every thing, and fear every thing except the Supreme Lord.

But this is not the only yoke imposed upon them. Their ceremonial defilements, pollutions, and uncleannesses, the ways in which caste may be stained or lost, the methods of purification, the regulations concerning food, the manner of dressing and eating it, the ceremonies at births, at different ages, at marriages and deaths, all these multiplied beyond enumeration, with a prodigious calendar of burthensome festivals and fasts, constitute a most grievous bondage.

A scrupulous Hindoo cannot go forth from his house without being accessible, on all sides, to dangers from omens and defilements. He must proceed every step with fear and circumspection, lest some calamity should come upon him. " Dust † shaken " from flesh, from a broom, a garment, or from divers animals; the touch of a burnt " net, a crow, a cock, a hen, a rat or mouse, an eunuch, a washerman, a hunter, a " fisherman, a gamester, a distiller, an executioner, a tanner, a dealer in leather, an " oilman, and of any sinner;" these are some of the manifold ways in which by contact, by accidents, or by the arts of others, personal pollutions may be contracted. The ceremonies which respect the article of food alone, might form a volume. Many kinds of provisions are totally forbidden; others become, in particular circumstances, unlawful; and those which are allowed, may be defiled by a thousand contingencies. The vessels used in preparing food, if touched by one of the lower caste, are defiled. The shadow of a chandal, (a person of the base caste before mentioned,) passing even over water, defiles it. All things usable, liquids, grain, metals, silks, cottons, vegetables, domestic utensils, the earth itself, are liable to pollution, and the remedies to be applied for their purification are prescribed ‡. " Sunshine, moon-" shine, the light of a fire, air, water, earth, ashes, mustard-seed, wild grain, the " shade of a tree, *the hind part of a cow's leg*, a plough, milk, milk curds, ghee or " clarified butter, the dung and urine of a cow," are a very few of the things which are esteemed to have a purifying virtue, and mostly in cases of personal defilement.

Besides the time employed in their daily ablutions and ceremonies, that which is lost from attending to the lucky and unlucky hours, and that which must be given to the removal of contracted defilements, there are many rigorous fasts § prescribed, and a still greater number of festivals ‖. Of these last only, the whole number appointed for the *different castes* appears, from the Ayeen Akberry, to be about a hundred in the year, and they are in general carefully observed.

It is not however enough, that the Hindoos bear the accumulated evils, natural and fictitious, of their present state of existence. The Brahmins profess a science called *Kurrembeypak*, " by which," says Abul Fazil, " can be discovered whatever was " done by men in their former state of existence;" *and it prescribes a particular expiation for each crime* ¶. It is probable that there has always been more discretion than

* A few articles in the detail are curious enough to be noted,
" Celuy qui entreprendra quelque chose *au* " *desavantage de son prochain*, cela lui réussira.
" Il fait bon, entreprendre *une mauvaise affaire*.
" Il est bon, d'entreprendre quelque chose, pour " donner de la crainte a quelqu'un; celuy qui mange " du poison, il en recevra les mesme avantages que " de *l'Amortam*," (supposed to be the same as " *Amrita*, the nectar of the gods.)
" Il faitbon brusler les malades, ou les couper.
" Celuy qui cherche chose pour tromper, il ne " le recontrera pas.
" Qui veut entreprendre quelque chose, ses " enemies mouront.

† Ayeen Akberry, page 242.
‡ Ibid. - - - - 243.
§ Ibid. - - - - 247.
‖ Ibid. - - - - 268.
¶ Ibid. - - - - 167.

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than rigour, in the exercise of the authority derived from this source; but the invention itself is so singular, as to merit some further observation.

The art is subdivided into *four kinds*; and distinct examples of each are given in the Ayeen Akberry, (Vol. III. page 167) *.

From these examples, the following only shall be selected, as being short, and affording a sufficient explanation of the nature, and possible extension of this new species of taxation.

DISEASES which are Punishments for CRIMES in a FORMER STATE.

" Lameness is a punishment for having kicked a Brahmin.—*Cure*, Let him take " one tolah of gold, in the form of a horse, and bestow it in charity; and give food " to one hundred and eighty Brahmins."

" A fever is a punishment for killing an innocent Kheteree.—*Cure*, Repeating one " hundred times the incantation of Mahadeo, feeding thirteen Brahmins, and sprink- " ling with water the image of Mahadeo one hundred times."

" A cough is a punishment for killing a Brahmin.—*Cure*, Making a lotus of four " tolahs of gold, and after repeating certain incantations, performing with it the " ceremony of the *Howm*, and giving it to a righteous Brahmin."

" A woman whose husband dies before her, in her former state was of a great " family, which she left to live with a stranger, and when he died burned herself with " him.—*Cure*, She must pass all her life in austerities, or put an end to her existence " by burying herself in snow."

" A woman who has only daughters, is punished for having possessed a great deal " of pride in her former existence, and not showing proper respect to her husband.— " *Cure*, Besides ornamenting a white ox with gold, &c. she is to satisfy with food " one hundred Brahmins: or she must make ten mashes of gold, in the form of " a deity, and after performing certain incantations, give it in charity, and feed fifty " Brahmins."

The review of the Hindoo religion shall be closed here. Whatever antiquity may be justly ascribed to that religion, whatever acknowledgements its mysterious writings may contain of one Supreme Being †, and of some of his perfections, whatever mixture

* The Institutes of Menu established the doctrine of sufferings for sins committed in a former state, and describe both the signs by which those sins may be discovered, and the expiations which must be made for them. Some passages from that work will further illustrate the doctrine.

" If a twice-born man, by the will of God in " this world, or from his natural birth, have any " corporeal mark of an expiable sin *committed in " this or a former state*, he must hold no intercourse " with the virtuous while his penance remains un- " performed."

" Some evil minded persons, for sins committed " in this life, and *some for bad actions in a preceding " state*, suffer a morbid change in their bodies."

" A stealer of gold from a Brahmin, has white " lows on his nails; a drinker of spirits, black " teeth; the slayer of a Brahmin, a marasmus; " the violator of his guru's bed, a deformity in " the generative organs; a malignant informer, " fetid ulcers in his nostrils; a false detractor, " stinking breath; a stealer of grain, the defect " of some limb; a mixer of bad wares with good, " some redundant member;

" A stealer of dressed grain, dyspepsia; a stealer " of holy words, *or an unauthorised reader of the " scriptures*, dumbness; a stealer of clothes, le- " prosy; a horse-stealer, lameness."

" Penance therefore, must invariably be per- " formed for the sake of expiation; since they who " have not expiated their sins, will again spring to " birth with disgraceful marks."

Institutes of Menu, page 313.

† It is doubtless very pleasing to discover the recognition of this grand principle, the foundation of all true religion, even under an immense mass of falsehood and superstition; but some persons seem to have thought, that in ascertaining the existence of this principle in the writings of the Hindoos, or in the opinions of their learned men, they had substantially vindicated and established the religious character of that people; making little account of their idolatry, which is practised by the Brahmins, they represent to be no more than a symbolical worship of the divine attributes; and which as admitting among the vulgar, the idea of subaltern intelligences, they represent to arise from the veneration paid to the elements, which are thought to contain a portion of God, who according to an alledged tenet of the Hindoo faith, is held to be the soul of the world *. Not to dwell upon the falsity of this view of Hindoo idolatry, which has been already contradicted by quotations from the Bhagvad-Geeta, it may be sufficient to observe to any who lean to so latitudinarian an opinion, an opinion which falls below even the creed of deism, that the speculative admission of one or more important truths will not, in the least, prove the religious system, or the religious practice, of any person or community to be right. The picture of the ancient Heathens, given to us by unerring authority, is a striking, and affecting repretentation of the people of whom we now speak. " They " held the truth in unrighteousness. . . . . From " the visible works of the Creator, they under- stood

* Dow's History of Hindostan, Vol. I. Dissertation on the Religion, &c. of the Hindoos.

mixture of moral principles may be found interspersed in its ordinances (for without some cement of this kind it would be impossible to constitute a religion for creatures, endowed with any share of reason and conscience) it plainly appears, that its general system is in theory most depraved; and that it is a system which, when reduced to practice, renders abortive the few moral principles originally admitted into it; and not only tolerates, but necessarily countenances, and encourages, the most extravagant and abandoned wickedness. The manners of some of the Brahmins who pass their time in going through the ceremonies of their religion, or an indolent application to their books, exempt from the concerns of the world, and therefore unblackened with the crimes so common among those of more active pursuits, form no exception to this remark; nor the rigorous austerities practised by the devotees of another class, who give themselves entirely up to a life of wandering mortification. Both these descriptions of men deny themselves in some things, but it is in order to be more abundantly gratified in others. The pride of their superior rank and qualifications, and above all, of their supposed sanctity, and the idolatrous reverence which they receive from the common people, render them insufferably arrogant; and there is the grossest deviation from rational and meritorious principles in the conduct of both:—in that of the Brahmin, who imposes upon the people a worship and ceremonies, which he knows to be groundless and pernicious; in that of the Jogee, who abandons his wife, children, and connections, to become useless and burthensome to others, and to himself, for the rest of his days.

The absolute dominion which this religion gives to the Brahmins, and a few of the second tribe, over the rest of the people, must also have forced itself upon the attention. No similar invention among men, seems to have been so long and so completely successful. This success may be accounted for, partly, from a favourable concurrence of various circumstances; but chiefly, from the character of the religion itself. Erected upon the darkest ignorance, and the boldest falshood, it has been the work of ages to strengthen these foundations, and to render the fabric impregnable. The understanding is chained and kept in perpetual imprisonment, like dreaded rivals for power in the East, who deprived of their eyes, and immured in dungeons, receive poisoned provisions from the gaoler's hands. Every avenue which might lead to emancipation, is strongly guarded. Fear is immeasurably excited, and incessantly wrought

" stood his eternal power and godhead . . . . . .
" But when they knew God they glorified him not
" as God, neither were thankful; but became vain
" in their imaginations, and their foolish heart was
" darkened. . . . . Professing themselves to be
" wise, they became fools . . . . . And changed
" the glory of the uncorruptible God into an image
" made like to corruptible man, and to birds, and
" four-footed beasts, and creeping things . . . . . .
" Wherefore also God gave them up to uncleanness, through the lust of their own hearts, to
" dishonour their own bodies between themselves;
" . . . . . Who changed the truth of God into a
" lie, and worshipped and served the creature more
" than the Creator, who is blessed for ever, amen.
" . . . . . For this cause, God gave them up to vile
" affections . . . . . And even as they did not like
" to retain God in their knowledge, God gave them
" over to a reprobate mind, to do those things
" which are not convenient; . . . . . Being filled
" with all unrighteousness." *Romans* i. 18. 24. 26. 28. 29.

With respect to the real tenets of the Hindoos on subjects of theology, they are to be taken from their ancient books, rather than from the oral declarations of the most learned Brahmins of modern times, who have discovered that the opinions of Christians, concerning the nature of God, are far more rational than those currently entertained among them, and that the gross idolatry of the Hindoos is contemned by the more intelligent natives of the western world. Bernier * seems to have found occasion for the same remark in his time, for after relating a conference between him and some learned pandits, in which the latter endeavoured to refine away the grossness of their image-worship: " Voila (says he) sans ajôuter, ni " diminuer, la solution qu'ils me donnerent, mais a " vous dire le vrai, cela me sembloit un peu trop " bien concerté, *a la chretienne*, aux prix de ce " que j'en avoit appris de plusieurs autre pandits." —It may be allowable to add here, that it is of importance in communicating, through the medium of European tongues, the writings of Eastern nations, not only to render their sense with rigid strictness and accuracy, but as much as possible, with the dress, the air, the manners of the original; for it is conceivable, that elegance of language, harmony of periods, grace of composition, and the illuminations of European learning, may in a version, unintentionally impart to doctrines, sentiments, or narrations, an elevation, a symmetry, or a polish, which, in their original garb, they do not possess. In this view, an author, to whom the world are under considerable obligations, may be quoted with applause.

" In executing this work," (says Mr. Wilkins, " of the translation of the Hectopades) I have " scrupulously adhered to the text; and I have " preferred drawing a picture, of which it may be " said, *'I can suppose it a strong likeness, although* " *I am unacquainted with the original*, to a flattering portrait: where characteristic features, be" cause not altogether consonant to European " taste, must have been sacrificed to the harmony " of composition. I have ever attended to the " form of my model, and have preserved what " was originally in verse, distinct, by indenting " every line but the first of each distich."—Mr. *Wilkins'* Preface to the Hectopades, page 14.

* Tome II. page 159.

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wrought upon; not a rational fear of falling into moral evil, and offending the righteous and holy Sovereign of the universe, but a fear of numberless fictitious dangers from every part of nature, from things real and imaginary, in every situation, and in every transaction. Fear is the grand instrument by which these poor people are held down, never daring to examine into the reality of what they are told is impending over them. False hope is likewise held out to them; and they are taught to seek deliverance, safety, and happiness, in a multitude of unmeaning, fantastic ceremonies, which constitute a grievous drudgery, engrossing their time, and confining their thoughts. In all these rites, and in whatever regards the civil and personal, as well as the religious concerns of the Hindoos, the Brahmins have made themselves indispensably necessary. They formed the religion, they are the sole exclusive depositaries of its ordinances, they are the expounders of them, they are, under a Hindoo sovereign, authorized to assist in the government of public affairs, and in effect to control it; they are the framers and administrators of the law, they have exorbitant personal privileges in all the ordinary affairs and transactions of life, they are the sole ministers, either officiating or directing, in all the vast train of ceremonies, observances, ablutions, defilements, purifications, penances, and works of supererogation, of which their religion consists; the endless questions arising about caste, are determined by them. In short, a Hindoo, from the hour of his birth, through the different stages of his existence, in infancy, in youth, in manhood, in old age, and in death, in all the relations, and in all the casualties of life, is subject to an accumulation of burthensome rites, with which the preservation of his caste, his credit, and place in society, are strictly connected: nay, for his conduct in former states of being, preceding his birth, these absolute lords of his faith, conscience, and conduct, bring him to account, nor do they resign their dominion over him when he is dead. The return he has for unbounded subjection, is an indulgence in perpetual deviations, even from those few principles of morality which his religion acknowledges. It is thus that abject slavery, and unparalleled depravity, have become distinguishing characteristics of the Hindoos.

Before we dismiss this branch of our subject, it may be proper to meet an enquiry which may have been rising in the mind of the reader while this account has proceeded. It may be said, If the representation here given be just, if such be the consequences of the complex system of Hindoo government, religion, and laws, how has Hindostan flourished under that system, as it is said to have done in ancient times? How has even the frame of society among the Hindoos been preserved from dissolution?

That country, certainly possessed of various advantages, derived them however from nature, not from its government. It enjoyed a most genial climate, a most fertile soil, a situation the most happy for security and for commerce. But its political institutions cramped its natural powers; in process of time they produced general corruption; the interest of the country, or of the state, came to be no concern with people, who, excluded even from thinking of public affairs, and unalterably fixed to one rank and occupation, had little to hope, or to fear, from a change: whence it was, as the ancients inform us, that the husbandman might be seen calmly tilling his field, while two armies were contending in his sight for dominion. Those institutions failed in effectual provision against foreign invasion, in the same degree that they produced internal degradation; and the people having at length filled up a high measure of immorality, the natural consequence of their principles, their northern neighbours, after many desolating inroads, and massacres, brought them under a foreign yoke.

But though the Hindoos lost the dominion of their own country, the influence of their religion, and their priests, remained. The ignorance and fear of the people, their terrible apprehension, especially of the loss or contamination of caste; the necessity thence resulting of adhering to the profession, and remaining in the country in which they were born; these causes, with the great extent of continent over which Hinduism had anciently spread, and the prodigious number of the people professing it, upheld its institutions (institutions which eventually sacrificed every thing else to perpetuate themselves) long after the transfer of sovereignty to foreigners of another faith. Thus the people were held together in the forms of the social state, by a chain, which the rude bigotry and ignorance of their conquerors only served to fasten more strongly; and this, in a word, with the coercive power exercised by the conquerors, explains

explains why they still continue united, beyond the period, when their corruptions might have dissolved the frame of society *.

CHAP. IV.

Inquiry into the Measures which might be adopted by Great Britain, *for the Improvement of the Condition of her* Asiatic *Subjects; and Answers to Objections.*

CHAP. IV. *Inquiry into Measures for improving the Condition of our Asiatic Subjects; and Answers to Objections.*

WE now proceed to the main object of this work, for the sake of which all the preceding topics and discussions have been brought forward,—an inquiry into the means of remedying disorders, which have become thus inveterate in the state of society among our Asiatic subjects, which destroy their happiness, and obstruct every species of improvement among them.

That it is in the highest degree desirable, that a healing principle should be introduced, no man surely will deny. Supposing it to be in our power to convince them of the criminality of the annual sacrifice of so many human victims on the funeral pile; of the profession of robbery, comprehending murder; of the indulgence of one class of people in the whole catalogue of flagitious crimes, without any adequate punishment; of the forfeiture of the lives of others, according to their institutes, for the merest trifles; of the arbitrary imposition of burthensome rites, devoid of all moral worth; of the pursuit of revenge, by offerings to vindictive deities; of

* The ancient splendor of India, its career in refinement, and the happiness resulting from its policy, have been viewed by the celebrated author of the *Historical Disquisition*, through a medium which hath magnified them to his apprehension greatly beyond their just dimensions, and guided his masterly hand in the delineation of a picture, far more beautiful than the original. In treating of the progress of society, one position seems of late to be generally assumed, that men at first set out from the savage state; a position which may sometimes at least be questionable, and which in respect to the original inhabitants of Hindostan, must be disputed. From this point however, Dr. Robertson conceives them to advance, through a long series of internal improvements, to the highest stages of refinement, unaided even by the accession of extraneous lights; whereas it appears more probable, that upon the first dispersion of mankind from the plains of Shinar, where the habits of civilized life must have prevailed, the most attractive climates would direct the lines of migration, and that early colonies proceeding to the eastward, through tracts of fertile country, would, without sinking into barbarism, soon spread into the luxuriant regions of India, where the rich abundance of the soil would speedily lead them to the arrangements of regular society. For countries extremely productive of the bounties of nature, seem to ripen the ideas of men, in some respects, with a quickness analogous to the rapidity of their vegetation; and where enjoyments are profusely offered, a certain degree of refinement will easily take place, and rights of property be understood, though the facility of acquisition will not be favourable to the spirit of improvement, and there may be vices in the political constitution which will absolutely limit its progress.

With respect to the Braminical system of religion, law, and science, from which the strongest arguments for a long progressive course of refinement are deduced, reason has of late been given us to believe, that the elements of them did not spring up in Hindostan, but were derived from a source nearer to the original seat of the post-diluvian race. (See, in the Asiatic Researches, the papers of Sir William Jones, concerning the Hindoos.) But whatever the origin, or extent of knowledge among the Hindoos might be, it was, as we have seen, monopolized and concealed by the Brahmins. It spread little light among the great body of the people, and it is incorrect to refer to the whole nation, what only the priests possessed and guarded as a mystery. So with respect to the accumulations of wealth, which the nation enjoying abundant produce, and having few wants, might at length contain, it would centre with the Princes, Brahmins, and some of the chief persons of the other tribes. There might be numerous armies, splendid retinues and establishments, appertaining to the great, with a profusion of jewels and effeminate finery, in which these people delight; there would be many superb richly endowed pagodas, astonishing for their workmanship and cost, there would be great bodies of indolent well appointed priests, troops of buffoons, players, and dancers, the last belonging to the temples as well as the court; and all these appearances, with the general face of a country ever verdant and luxuriant, would strike the imagination of a stranger, especially if his business were with the metropolis, like that of Megasthenes, from whose superficial account of a country then little known, the opinions of the ancients seems to have been formed. But there is no reason to believe, that wealth was diffused freely through all the body politic; the *head* and *arms* might be enlarged, but the other parts would retain nearly their original size. There is no reason, in short, to believe, that the common people ever lived upon any thing but rice, or other inferior grain; ever wore any thing but a cincture, or at best a slight half covering of ordinary cotton cloth; or ever inhabited any better dwellings than low inconvenient huts, with matted or mud walls, and straw roofs. Such is the present style, and such in all probability it ever has been, not because the people preferred this, but because they had no choice.

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of the establishment of lying, false evidence, gaming, and other immoralities, by law; of the pardon of capital offences for money; of trying to purchase the expiation of wilful and habitual iniquity, by ceremonial observances; and of the worship of stocks, stones, impure and malevolent deities; no man living, surely, would affirm that we ought, that we are at liberty, to withhold from them this conviction.

Are we bound for ever to preserve all the enormities in the Hindoo system? Have we become the guardians of every monstrous principle and practice which it contains? Are we pledged to support, for all generations, by the authority of our government and the power of our arms, the miseries which ignorance and knavery have so long entailed upon a large portion of the human race? Is this the part which a free, a humane, and an enlightened nation, a nation itself professing principles diametrically opposite to those in question, has engaged to act towards its own subjects? It would be too absurd and extravagant to maintain, that any engagement of this kind exists; that Great Britain is under any obligation, direct or implied, to uphold errors and usages, gross and fundamental, subversive of the first principles of reason, morality, and religion.

If we had conquered such a kingdom as Mexico, where a number of human victims were regularly offered every year upon the altar of the Sun, should we have calmly acquiesced in this horrid mode of butchery? Yet for near thirty years we have, with perfect unconcern, seen rites, in reality more cruel and atrocious, practised in our Indian territories. If human life must be sacrificed to superstition, at least the more useless, worthless, or unconnected members of the society might be devoted. But in Hindostan, mothers of families are taken from the midst of their children, who have just lost their father also, and by a most diabolical complication of force and fraud, are driven into the flames.

Shall we be in all time to come, as we hitherto have been, passive spectators of this unnatural wickedness? It may indeed well appear surprising that in the long period during which we have held those territories, we have made no serious attempt to recal the Hindoos to the dictates of truth and morality. This is a mortifying proof how little it has been considered, that the ends of government, and the good of society, have an inseparable connection with right principles. We have been satisfied with the apparent submissiveness of these people, and have attended chiefly to the maintenance of our authority over the country, and the augmentation of our commerce and revenues; but have never, with a view to the promotion of their happiness, looked thoroughly into their internal state.

If then we ought to wish for the correction of those criminal habits and practices which prevail among them, it cannot reasonably be questioned, that we ought also to make allowable attempts for this end; and it remains therefore only to consider in what manner this design may be best pursued.

Shall we resort to the power we possess, to destroy their distinctions of castes, and to demolish their idols? Assuredly not. Force, instead of convincing them of their error, would fortify them in the persuasion of being right; and the use of it, even if it promised happier consequences, would still be altogether unjust.

To the use of reason and argument, however, in exposing their errors, there can be no objection. There is indeed the strongest obligation to make those errors manifest, since they generate and tend to perpetuate all the miseries which have been set forth, and which our duty, as rulers, instead of permitting us to view with silent indifference, calls upon us by every proper method to prevent.

The true cure of darkness, is the introduction of light. The Hindoos err, because they are ignorant; and their errors have never fairly been laid before them. The communication of our light and knowledge to them, would prove the best remedy for their disorders; and this remedy is proposed, from a full conviction, that if judiciously and patiently applied, it would have great and happy effects upon them, effects honourable and advantageous for us.

There are two ways of making this communication: the one is, by the medium of the languages of those countries; the other is, by the medium of our own. In general, when foreign teachers have proposed to instruct the inhabitants of any country, they have used the vernacular tongue of that people, for a natural and necessary reason, that they could not hope to make any other mean of communi-

cation

cation intelligible to them. This is not our case in respect of our Eastern dependencies. They are our own, we have possessed them long, many Englishmen reside among the natives, our language is not unknown there, and it is practicable to diffuse it more widely. The choice therefore of either mode, lies open to us; and we are at liberty to consider which is entitled to a preference. Upon this subject, it is not intended to pass an exclusive decision here; the points absolutely to be contended for are, that we ought to impart our superior lights, and that this is practicable; that it is practicable by two ways, can never be an argument why neither should be attempted. Indeed no good reason appears why either should be systematically interdicted, since particular cases may recommend, even that which is in general least eligible.

The acquisition of a foreign language is, to men of cultivated minds, a matter of no great difficulty. English teachers could therefore be sooner qualified to offer instruction in the native languages, than the Indians would be prepared to receive it in ours. This method would hence come into operation more speedily than the other; and it would also be attended with the advantage of a more careful selection of the matter of instruction. But it would be far more confined and less effectual; it may be termed a species of deciphering. The decipherer is required to unfold, in intelligible words, what was before hidden. Upon every new occasion, he has a similar labour to perform, and the information obtained from him is limited to the single communication then made. All other writings in the same character, still remain, to those who are ignorant of it, unknown; but if they are taught the character itself, they can at once read every writing in which it is used. Thus superior, in point of ultimate advantage, does the employment of the English language appear; and upon this ground, we give a preference to that mode, proposing here, that the communication of our knowledge shall be made by the medium of our own language. This proposition will bring at once to trial, both the principle of such communication, and that mode of conveyance which can alone be questioned; for the admission of the principle must at least include in it the admission of the narrowest means suited to the end, which we conceive to be the native languages. The principle, however, and the mode, are still distinct questions, and any opinion which may be entertained of the latter, cannot affect the former; but it is hoped, that what shall be offered here concerning them, will be found sufficient to justify both.

We proceed then to observe, that it is perfectly in the power of this country, by degrees, to impart to the Hindoos our language; afterwards through that medium, to make them acquainted with our easy literary compositions, upon a variety of subjects; and, let not the idea hastily excite derision, *progressively* with the simple elements of our arts, our philosophy and religion. These acquisitions would silently undermine, and at length subvert, the fabric of error; and all the objections that may be apprehended against such a change, are, it is confidently believed, capable of a solid answer.

The first communication, and the instrument of introducing the rest, must be the English language; this is a key which will open to them a world of new ideas, and policy alone might have impelled us, long since, to put it into their hands.

To introduce the language of the conquerors, seems to be an obvious mean of assimilating the conquered people to them. The Mahomedans, from the beginning of their power, employed the Persian language in the affairs of government, and in the public departments. This practice aided them in maintaining their superiority, and enabled them, instead of depending blindly on native agents, to look into the conduct and details of public business, as well as to keep intelligible registers of the income and expenditure of the state. Natives readily learnt the language of government, finding that it was necessary in every concern of revenue and of justice; they next became teachers of it; and in all the provinces over which the Mogul Empire extended, it is still understood, and taught by numbers of Hindoos.

It would have been our interest to have followed their example; and had we done so on the assumption of the Dewannee, or some years afterwards, the English language would now have been spoken and studied by multitudes of Hindoos throughout our provinces. The details of the revenue would, from the beginning,

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have been open to our inspection; and by facility of examination on our part, and difficulty of fabrication on that of the natives, manifold impositions of a gross nature, which have been practised upon us, would have been precluded. An easy channel of communication also, would always have been open between the rulers and the subjects; and numberless grievances would have been represented, redressed, or prevented, which the ignorance of the former in the country languages, and the hindrances experienced by the latter in making their approaches, have sometimes suffered to pass with impunity, to the encouragement of new abuses. We were long held in the dark, both in India and in Europe, by the use of a technical revenue language; and a man of considerable judgment, who was a member of the Bengal administration near twenty years since, publicly animadverted on the absurdity of our submitting to employ the unknown jargon of a conquered people. It is certain, that the Hindoos would easily have conformed to the use of English; and they would still be glad to possess the language of their masters, the language which always gives weight and consequence to the natives who have any acquaintance with it, and which would enable every native to make his own representations directly to the Governor-General himself, who, it may be presumed, will not commonly, henceforth, be chosen from the line of the Company's servants, and therefore may not speak the dialects of the country. Of what importance it might be to the public interest, that a man in that station should not be obliged to depend on a medium with which he is unacquainted, may readily be conceived.

It would be extremely easy for government to establish, at a moderate expense, in various parts of the provinces, places of gratuitous instruction in reading and writing English: multitudes, especially of the young, would flock to them; and the easy books used in teaching, might at the same time convey obvious truths on different subjects. The teachers should be persons of knowledge, morals and discretion; and men of this character could impart to their pupils much useful information in discourse: and to facilitate the attainment of that object, they might at first make some use of the Bengaleze tongue. The Hindoos would, in time, become teachers of English themselves; and the employment of our language in public business, for which every political reason remains in full force, would, in the course of another generation, make it very general throughout the country. There is nothing wanting to the success of this plan, but the hearty patronage of government. If they wish it to succeed, it can and must succeed. The introduction of English in the administration of the revenue, in judicial proceedings, and in other business of government, wherein Persian is now used, and the establishment of free-schools for instruction in this language, would insure its diffusion over the country, for the reason already suggested, that the interest of the natives would induce them to acquire it. Neither would much confusion arise, even at first, upon such a change: for there are now a great number of Portugueze and Bengaleze clerks in the provinces, who understand both the Hindostanny and English languages. To employ them in drawing up petitions to government, or its officers, would be no additional hardship upon the poorer people, who are now assisted in that way by Persian clerks; and the opportunity afforded to others who have sufficient leisure, of learning the language of the government gratuitously, would be an advantage never enjoyed under Mahomedan rulers.

With our language, much of our useful literature might, and would, in time, be communicated. The art of Printing, would enable us to disseminate our writings in a way the Persians never could have done, though their compositions had been as numerous as ours. Hence the Hindoos would see the great use we make of reason on all subjects, and in all affairs; they also would learn to reason, they would become acquainted with the history of their own species, the past and present state of the world; their affections would gradually become interested by various engaging works, composed to recommend virtue, and to deter from vice; the general mass of their opinions would be rectified; and above all, they would see a better system of principles and morals. New views of duty as rational creatures would open upon them; and that mental bondage in which they have long been holden would gradually dissolve.

To this change, the true knowledge of nature would contribute; and some of our easy explanations of natural philosophy might undoubtedly, by proper means, be made intelligible to them. Except a few Brahmins, who consider the concealment

of

of their learning as part of their religion *, the people are totally misled as to the system and phœnomena of nature; and their errors in this branch of science, upon which divers important conclusions rest, may be more easily demonstrated to them, than the absurdity and falsehood of their mythological legends. From the demonstration of the true cause of eclipses, the story of *Ragoo*, and *Ketoo*, the dragons, who when the sun and the moon are obscured are supposed to be assaulting them, a story which has hitherto been an article of religious faith, productive of religious services among the Hindoos †, would fall to the ground; the removal of one pillar, would weaken the fabric of falsehood; the discovery of one palpable error, would open the mind to farther conviction; and the progressive discovery of truths, hitherto unknown, would dissipate as many superstitious chimeras, the parents of false fears, and false hopes. Every branch of natural philosophy might in time be introduced and diffused among the Hindoos. Their understandings would thence be strengthened, as well as their minds informed, and error be dispelled in proportion.

But perhaps no acquisition in natural philosophy would so effectually enlighten the mass of the people, as the introduction of the principles of mechanics, and their application to agriculture and the useful arts. Not that the Hindoos are wholly destitute of simple mechanical contrivances. Some manufactures, which depend upon patient attention and delicacy of hand, are carried to a considerable degree of perfection among them; but for a series of ages, perhaps for two thousand years, they do not appear to have made any considerable addition to the arts of life. Invention seems wholly torpid among them; in a few things, they have improved by their intercourse with Europeans, of whose immense superiority they are at length convinced; but this effect is partial, and not discernible in the bulk of the people. The scope for improvement, in this respect, is prodigious.

What great accessions of wealth would Bengal derive from a people intelligent in the principles of agriculture, skilled to make the most of soils and seasons, to improve the existing modes of culture, of pasturage, of rearing cattle, of defence against excesses of drought, and of rain; and thus to meliorate the quality of all the produce of the country. All these arts are still in infancy. The husbandman of Bengal just turns up the soil with a diminutive plough, drawn by a couple of miserable cattle; and if drought parches, or the rain inundate the crop, he has no resource; he thinks he is destined to this suffering, and is far more likely to die from want, than to relieve himself by any new or extraordinary effort. Horticulture is also in its first stage: the various fruits and esculent herbs, with which Hindostan abounds, are nearly in a state of nature; though they are planted in inclosed gardens, little skill is employed to reclaim them. In this respect likewise, we might communicate information of material use to the comfort of life, and to the prevention of famine. In silk, indigo, sugar, and in many other articles, what vast improvements might be effected by the introduction of machinery. The skilful application of fire, of water, and of steam, improvements which would thus immediately concern the interest of the common people, would awaken them from their torpor, and give activity to their minds. At present it is wonderful to see how entirely they resign themselves to precedent: *custom* is the strongest law to them. *Following implicity*, seems to be instinctive with them, in small things as well as great. The path which the first passenger has marked over the soft soil, is trodden so undeviatingly in all its curves, by every succeeding traveller, that when it is perfectly beaten, it has still only the width of a single track.

But undoubtedly the most important communication which the Hindoos could receive through the medium of our language, would be the knowledge of our religion, the principles of which are explained in a clear, easy way, in various tracts circulating among us, and are completely contained in the inestimable volume of Scripture. Thence they would be instructed in the nature and perfections of the one true God, and in the real history of man; his creation, lapsed state, and the means of his recovery, on all which points they hold false and extravagant opinions; they would see a pure, complete, and perfect system of morals and of duty, enforced by the most awful sanctions, and recommended by the most interesting motives; they would learn the accountableness of man, the final judgment he is to undergo, and the eternal state which is to follow. Wherever this knowledge should be received, idolatry, with all the rabble of its impure deities, its monsters of wood and stone, its

* Page 48.

† Page 66; and Bernier, Tome II. page 102.

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its false principles and corrupt practices, its delusive hopes and vain fears, its ridiculous ceremonies and degrading superstitions, its lying legends and fraudulent impositions, would fall. The reasonable service of the only, and the infinitely perfect God, would be established: love to him, peace and good-will towards men, would be felt as obligatory principles.

It is not asserted, that such effects would be immediate or universal; but admitting them to be progressive, and partial only, yet how great would the change be, and how happy at length for the outward prosperity, and internal peace of society among the Hindoos! Men would be restored to the use of their reason; all the advantages of happy soil, climate, and situation, would be observed and improved; the comforts and conveniencies of life would be increased; the cultivation of the mind, and rational intercourse, valued; the people would rise in the scale of human beings; and as they found their character, their state, and their comforts, improved, they would prize more highly, the security and the happiness of a well ordered society. Such a change would correct those sad disorders which have been described, and for which no other remedy has been proposed, nor is in the nature of things to be found.

Desirable as it must be that such animating prospects were realized, and reasonable as the grounds on which they are held out are presumed to be, it is nevertheless probable, that various objections, more or less plausible, may be started against all that has been advanced. These objections, as far as they are foreseen, shall now be distinctly met; and it is hoped, that upon examination, none of them will be found to possess that substance and validity, which we are entitled to require in arguments opposed to a scheme resting on principles the most incontrovertible, and having for its end the most diffusive good.

First. The plan here proposed, presenting so new an association of ideas, so strange a revolution, as the abject Bengaleze using the language and the light of Europe, may upon the very suggestion of it, be treated as in its nature *idle*, *visionary*, and *absurd*.

But this would be the decision of prejudice, rather than the conclusion of mature reflection and reason. If the character of the Hindoos proceeded only from a physical origin, there might be some foundation for thinking it unalterable; but nothing is more plain, than that it is formed chiefly by moral causes, adequate to the effect produced: if those causes therefore can be removed, their effect will cease, and new principles and motives will produce new conduct and a different character. It is unwarrantable to infer, that because the Hindoos, or to narrow the term, the Bengaleze, are at present low in their sentiments, conduct, and aims, they must always remain so. We cannot presume from the past state of any people, with respect to improvement in arts, that they would, under different circumstances, for ever continue the same. The history of many nations who have advanced from rudeness to refinement, contradicts such an hypothesis; according to which, the Britons ought still to be going naked, to be feeding on acorns, and sacrificing human victims in the Druidical groves. In fact, what is now offered, is nothing more than a proposal for the further civilization of a people, who had very early made a considerable progress in improvement; but who, by deliberate and successful plans of fraud and imposition, were rendered first stationary, then retrograde. These considerations alone, forbid us to assume, that if they were released from the darkness and stupefaction of ignorance and superstition, the human mind could not among them, regain some ordinary degree of elasticity; or that if light shone upon them, they would still be incapable of seeing or judging for themselves. Let it however be again observed, that the argument maintained here supposes only a *gradual* change. If we bring into *immediate* contrast, the *present state* of the Hindoos, and the *full, general, accomplishment* of such a change, tacitly sinking in our comparison, a long series of years, and of slow progressive transitions, we shall indeed form to ourselves a picture of egregious contrarieties, but it will not be a just representation. Nothing is contended for, which cannot be supported from the nature of man, and the experience of past ages.

Second. Nearly allied to the objection now considered, is another which some persons acquainted with the Hindoo character and habits, and possibly apologists for them, may derive from the *attachment of that people to their own modes and customs*. "If," may it be said, "the Bengaleze are not to be reckoned below the reach of in-

"struction,

" struction, and incapable of new perceptions and views, still their attachment to " long established opinions and usages, is so rooted, as to form an *insuperable obstacle* " to such an innovation as is proposed; and therefore the scheme may at least be " regarded as *impracticable.*"

Is this argument however, quite philosophical? Must it be granted, without fair trial, that there is any portion of the human race, upon which reason and science can have *no* influence, which is doomed by nature to perpetual ignorance and prejudice? It is true that the Hindoos have a strong predilection for their system; but still it must be remembered, that in the bulk of the people, this is a predilection consequent of a privation of light, and riveted by the errors which darkness generates, not an attachment which has resisted the light, or as have ever been tried by it. Many Europeans have implicitly adopted an overstrained notion of the immutability of Hindoo opinions in matters of religion, and of the obstinacy of the people in retaining their own practices, even in civil life. But if we look to facts, we shall find that a variety of sects have prevailed, and still prevail, among them. The rise, especially of the *Seeks*, a new religious order, numerous and powerful, who have abjured the Brahminical faith, is sufficient to evince that the Hindoos are capable of considerable fluctuations of opinion. Hitherto indeed they have more commonly fluctuated only from one delusion to another; though it must be allowed, that the system of the *Seeks*, if the accounts which have been received of it are accurate, is comparatively simple and rational; and we cannot without wonder behold a set of Hindoos casting off at once, in the heart of their country, the whole load of Brahminical incumbrances, and as it should seem, renouncing polytheism and the worship of images*. A sight far more pleasing has also been exhibited to us, in the conversion of Hindoos to the divine religion of the Gospel. These were not encouraged by an armed protection, or actuated by the prospect of conquest, which may have stimulated the followers of the *Seeks*; but in opposition to the allurements and terrors of the world, they yielded to conviction, and rendered homage to the truth. This important fact, which is perfectly established, it may suffice barely to state here, since there will be occasion, in speaking to a following objection, to which it more pointedly applies, to enlarge upon it. When we read of these things on the one hand, and on the other of the extremities which Hindoos have sometimes endured through the bigotry of their Mahomedan masters, or from the pressure of misfortune, rather than submit to apprehended contamination, what is the inference fairly deducible from these dissimilar views but this, that whether the dread either of dishonour in this life, or of degradation in the next transmigration; whether resentment, or the idea of acquiring distinguished merit, were the principle from which these people suffered, still what terror could not induce them, misguided as they were by false notions, to relinquish, they yielded voluntarily to reason and persuasion.

If we now turn to instances of a more familiar nature, in the affairs of common life, here too actual experience will inform us, that it is not insuperably difficult to induce the Indians to depart from old established practices, and to adopt new ones. One or two cases of pre-eminent magnitude and notoriety will suffice to confirm this position. Raw-silk, as is well known, has been for many years a great article of commerce in Bengal. The natives had their own methods of winding it, and much attachment to those methods, defective as they were. The India Company attempted to introduce the Italian mode of winding this article, a mode more complex, but far more perfect; they have completely succeeded, and that mode is now practised in all parts of the country. So again with respect to the culture and manufacture of indigo, which the skill and industry of Europeans have, within these last twelve years, introduced into Bengal, and have now rendered an immense article of commerce between that country and Europe: the natives, though possessed of the indigo plant, from which their dyers extracted a very inferior substance for domestic purposes, held the culture of it rather in disesteem, and had no idea of those modes, and that scale of manufacture, of which the Europeans gave them examples; but those examples they now begin to follow on their own account, and there is reason to believe the Hindoos will come in for a share of the produce of this article in the London markets. Be it acknowledged then, that they are now incurious, and without love of learning; yet make it their interest, and they will attend to new discoveries; make it easy for them also to know the English language, and they will acquire it; show them profitable improvements in agriculture and the arts, and they will imitate them; make

* See Mr. Wilkins's account of the *Seeks*, in the first volume of the Asiatic Transactions.

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make it in short their interest, and why may they not become *in time* students, and even teachers of natural philosophy?

Let not the idea be hastily treated as chimerical, if we add that the India Company possessing the revenues of a great country, might very beneficially for themselves and that country, set the example in introducing such improvements. It would be worthy of them to turn their attention to this fruitful subject, to employ skilful artists of various kinds in ascertaining what improvements are practicable, and in carrying plans for them into execution. Were such a design to be taken up, with due zeal, by the Company, and their governments abroad, the expense and labour would assuredly be repaid in the end, probably by specific returns, but certainly by the augmentation of the agriculture and commerce of the country, and the general effects upon society. In like manner, if *after the English language begun to be diffused,* seminaries, with suitable apparatus, were instituted, for gratuitous instruction in natural philosophy, and premiums assigned to those who should excel, young persons, both Hindoos and Mahomedans, would become students and candidates; and if those who were found competent, were at length to be taken as assistant teachers, with suitable salaries, such a measure would prove a new and powerful means of establishing this species of knowledge. If a kind, patient, and encouraging conduct, were observed towards the Hindoos; that contempt with which Europeans in general regard them, restrained; and their first inaptitude borne with; it cannot be irrational to expect, that in things which come home to their business and interest, which respect the truths of nature, and the improvements of art, such a conduct should be productive of success. Many of the Hindoos and Mahomedans are brought up to the ready practice of writing and accounts; and persons of this class might be more easily carried on further.

THIRD, It may be objected, with more plausibility, that the *Brahmins, by their determined opposition to innovations, which would so essentially affect their interests, would prevent the introduction or success of them.*

It is certainly natural to suppose, that they could not look with indifference upon any attempt *from which they might apprehend danger,* to that system whence they "have their wealth," their honour, and their influence. It shall be readily admitted therefore, that *upon any serious alarm* for the stability of these distinctions, such opposition as should be within the power of that order of men might be expected. But though it will be proper to consider the effect of that opposition, and the force of the objection grounded upon it, we must previously maintain that it can constitute no reason at all against endeavouring, by prudent and pacific means, to make the truth known; for to admit this, would be to make the resistance of those who profit by abuses, an argument for continuing to tolerate them, and upon the same principle, Christianity had never been propagated.

To objections of a prudential or political kind, it is one main design of this piece to oppose answers founded on considerations of a like nature; and we venture to believe, that if the cause here pleaded for, rested on this ground alone, it could have nothing to fear. But the employment of political arguments does not oblige us to decline the use of others justly applicable to the subject; and upon the present occasion, it would be strange to omit one of decisive weight, which flows from the very nature and principles of Christianity.

The divine authority of that religion, its unrivalled excellence, and incomparable fitness to promote the happiness of man, its whole tenor, and many particular injunctions and encouragements which it holds forth, impose upon those who profess subjection to it, the duty of contributing to diffuse, by all proper methods, the knowledge and influence of it in the world. No man who takes the Gospel as the standard of his reasoning, can for a moment dispute this position; to deny it, would be virtually to deny the authority of Christ, and therefore it will not be expected, that we should enter here into the proof of a position which rests upon the truth of Christianity itself. But affirming as we may with perfect right, the validity of this argument, it will apply to communities as well as individuals; the duty is incumbent upon this nation, and it is augmented two-fold by the addition of that which we owe to the misguided Pagans who are become our subjects.

Having asserted the regard due to this important argument, let us proceed, in the next place, to examine how far the present objection is warranted, in ascribing so great an efficacy to the opposition of the Brahmins; or in other words, to inquire into the

the extent and probable amount of their counter-action, *still supposing their resistance to be strongly excited*; for here it will be proper to remark, that in general where they see no indication of *persecution*, they are not likely to feel any alarm. As the more learned and ingenious of them lead a retired life, inattentive to novelties, so the rest, chiefly men busied in worldly concerns, possess the confidence which often belongs to deluded ignorance. They know that their system is held by numerous nations. They believe from their legends, that it always has been, and always will be so. They possess the same spirit as that Pagan votary of old, who felt himself quoting a fact of universal notoriety and authority, sufficient to appease a popular tumult, when he affirmed that the image of the great goddess Diana fell down from Jupiter. When therefore they see a few simple foreigners offering "certain strange "things" to the ears of their people, they may be ready secretly, if not to use the language of the conceited Athenians, yet to say with a more ancient scoffer, "what "do these feeble Jews?" Still less will the people be apprehensive about consequences. And whilst things continue in this state, it will be the business of Christian teachers to confine themselves chiefly to the positive declarations of the Gospel, giving no occasion for an imputation which indeed they should never wish justly to incur, that of being "blasphemers," or resorting to abusive language in speaking of the Hindoo gods, or the Hindoo absurdities. They have greater themes; "temperance, righteousness, and judgment to come;"—the noble topics brought forward by St. Paul to the superstitious Athenians. "God that made the world..... the "Lord of Heaven and Earth, who is not worshipped with men's hands..... who "giveth to all, life, and breath, and all things..... in whom we live, move, and "have our being..... And that forasmuch as we are the offspring of God, we "ought not to think that the godhead is like unto gold, or silver, or stone graven by "art and man's device..... And the times of this ignorance God winked at; but "now commandeth all men, every where to repent; because he hath appointed a "day in which he will judge the world in righteousness, by that man whom he hath "ordained; whereof he hath given assurance unto all men, in that he hath raised "him from the dead."

If by such doctrines as these, or the fruits of them, resentment and opposition should be provoked, let us now consider what the utmost activity of opposition so stimulated could effect. Usually true religion has been combated, and false religions have been upheld, either by fraud or force, or by both. What artifice, imposture, misrepresentation, and vicious indulgence have not been able to effect, persecution and the coercion of the secular power have been called in to accomplish. False religion shuns fair examination; before this test it cannot stand. Such is the force of truth, that on the first promulgation of Christianity, it prevailed against all the deceits, impositions, ignorance, prejudice, and prescriptive authority of the ancient superstition, aided by the utmost cruelties that tyrannic governments could inflict. Now in the present case, the Brahmins will not possess the instrument most effectual for the support of religious error and imposture, that is, the power of the sword. They may be able to strengthen indisposition to new opinions by their personal influence, by availing themselves of traditional respect and existing habits, by venting calumnies, by denouncing spiritual judgments, especially that most formidable of their punishments, loss of caste; and it shall be granted, that these expedients may be sufficient to narrow the avenues, and retard the progress of truth. Such obstructions are to be contended with only by patient perseverance, maintained on Christian principles. But with these expedients, the means of opposition end; and if all such means have not prevented many Hindoos, even of the superior orders, on the Coast of Coromandel, from embracing the doctrine preached by a few humble Europeans, without national or local consideration, why should it be thought that pious, discreet, intelligent teachers, should have no success in Bengal, where the full establishment of our authority must at least secure the national religion from open contempt or disrespect. In that country, the gross absurdities of Heathenism have never yet been clearly exposed, and their abettors would find themselves extremely at a loss to defend by argument, assumptions wholly destitute of evidence, internal and external. Indeed how is it possible to justify to the common sense and imperfect natural light of men, the monstrous actions ascribed to the deities of the Hindoos, the immoral tenets established by the Hindoo system, and the immoral practices which they are used to sanction? These things could not stand before the pure and heart-searching word of God, which recommended by the lives of those who declared it, could not fail to make a powerful impression; especially as the Hindoos, who easily suppose the authenticity

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authenticity of other systems of religion, (thus with Pagan latitude concluding the certainty of that which they hold to be peculiarly assigned to them,) would not be inclined to controvert the truth of ours, and therefore would be reduced to the task of proving that their own is of divine authority. And the great difference between this kind of contest, and the religious controversies which have usually prevailed in Europe, ought to be considered. For here the dispute has commonly been, which of two contrary systems or tenets was the right one, and entitled to general acceptance. But the Hindoos do not wish for proselytes; they cannot receive any: on the other hand, Christian teachers neither able nor desirous to resort to any kind of compulsion, would be confined to a quiet exposition of the truths of their own system, and of the errors of Heathenism. From such a state of things no violent contention could easily arise. If finding excommunication insufficient to deter Hindoos from embracing Christianity, the Brahmins should attempt to follow with persecution those who had been converted, the calm interposition of the civil government to prevent such an infraction of justice and good order, would be sufficient. And if natives acknowledging from conscience the Christian revelation, at the hazard of sacrifices which the confession of it might require, were thereby rendered more honest, more faithful, and upright, would this be any injury to society? Need we ask whether it would make them better servants and agents, make them more useful and valuable in all the relations of life? Would not such persons be a real accession to European masters; and must it not be supposed, that men professing Christianity, whose interest would be promoted by employing such converts, would not reject them, upon a principle which even Paganism could not justify, that is, because they had honestly followed their convictions? In this way the great terror of excommunication would be obviated; for it is in the loss of employment, the want of subsistence, and protection, that its great evil consists. Let it not be said, that such views might tempt natives hypocritically to assume the profession of Christianity who would afterwards disgrace it. The truth is not to be kept back, nor a credible profession of it discouraged, because it may be thus abused; and those who should act so dishonestly, would generally soon find themselves despised by all parties.

Thus it is hoped a satisfactory answer has been offered to the objection now under consideration, even when admitted in its strongest form; that is, in supposing the great question respecting religion to be brought into early and direct controversy. Of such a collision of systems however, for some considerable time to come, the probability may, from the observations which have been advanced, be reasonably doubted; and if the more gradual process here assumed, a process by the concurring extension of the English language, should be followed, additional aids will, in the mean while, arise to the argument we maintain. That extension for instance, and the employment of the language in public business, cannot be disputed by the Brahmins; for how could they deny the same obedience to our government which they formerly yielded to the Mahomedan, and in a matter on which it is solely the province of government to decide? Brahmins themselves have spoken English for a century past; many of them now speak it; and no religious plea can therefore be henceforth advanced against the use of it. Improvements in manufactures and the arts, the Brahmins could not exclude; for in the adoption of some such improvements introduced by Europeans, they have also joined. The true system of natural philosophy, demonstrable as it is to the sight by machines, could be communicated to the Mahomedans, through whom it would have a wide diffusion, even if the Brahmins could prevent all Hindoos from attending to it, which is not to be imagined; nor could such an expedient occur to them until the progress of light had made an impression. That progress it is probable, would operate silently with persons who would not choose to encounter the painful feelings attendant on the dereliction of caste; and in this way, without any great external change which should excite alarm, a gradual enlargement of views and opinions, guided by that spirit of order and obedience which the Gospel eminently inculcates, and operating rather to the prevention of any vehement conflict of opinions, might take place, to the true happiness, as far as it went, of all parties.

Fourth. It may possibly occur to some of the readers of this tract, that the *Portuguese of India, many of whom speak English, are nevertheless still a vicious and contemptible race.*—There are among them, it must be admitted, many who cannot be cleared from this imputation. These men, descendents of the Portuguese soldiers and free-booters of a rude age, and of the lowest Bengaleze women, born in the

the meanest stations, dispersed under governments foreign to them, adopted by no other class of society, commonly without education, retaining only the errors of the Roman Catholic persuasion, grow up in ignorance, immorality, and superstition, like the Heathen around them; and if they know the English language, it is but imperfectly and colloquially. They cannot be referred to as specimens of the effects of Christianity, any more than some of the Indians of America, for they understand and possess hardly any thing of it beyond the name. But there is another description of persons ranking under the general denomination of Portuguese, more respectable; persons of some education, who are clerks, traders, or merchants. These are often men of decent lives and tolerable information; they are, in some degree, an improving set of people, and have clearly profited from their acquaintance and intercourse with Europeans, particularly the English. Now the proposed plan of communicating instruction to the Hindoos, through the medium of our language, does not suppose that the vilest out-casts of society are first to be selected for the purpose, or that a new name merely is to be imparted, but that men of substance and consideration, men employed in the affairs of government, connected with the revenues and with the administration of justice, will procure for their children, if not for themselves, the knowledge of a tongue which will then be necessary in transacting business; and that the instruction to be conveyed by this, or any other vehicle, shall be important and practical.

FIFTH. Another objection may arise from *the result of the direct attempts which been made to enlighten the Hindoos*, by the preaching of the Christian religion: It has been said by some, that *the success of such attempts has been very small, and has been confined to the Parriars and others of the lowest castes.*——This statement is, in the first place, very erroneous; and in the next, to infer from it the impracticability of extending, by any efforts however strenuous, by any means however prudent, and under any circumstances however favourable, the influence of Christianity in Hindostan, would be altogether illogical and fallacious. Little stress shall be laid here upon the attempts of Roman Catholics; for it must be confessed, that though they made numerous converts, they too often only changed one set of ceremonies and images for another. Yet it must also be admitted, that the Romish establishments in Europe have shewn a zeal in this matter, much superior to that of any of the Protestant nations; and that Xavier, who traversed a great part of the coasts and islands of India, about the beginning of the sixteenth century, and appears to have been a pious indefatigable man, planted the Gospel in various places, in a way that might have led to a large extension of it, if his labours and zeal had been well seconded. The efforts of the Dutch to establish Christianity in their Indian settlements, as being made under circumstances more similar to our own, may deserve greater attention. There was, in the earlier periods of that republic, a very laudable spirit in the government at home for the promotion of this object, and the number of native Christians in their colonies abroad was very considerable. Baldæus, the author of the History of Ceylon, a person of great credit, who was one of the Dutch ministers there in the last century, and wrote from his own knowledge, has stated that in the year 1663, the Christians in the province of Jaffnapatnam,* amounted (exclusive of slaves) to sixty-two thousand, many of whom must no doubt have been educated in the Romish churches, which the Portuguese had founded there; but it is extremely worthy

* The inhabitants of Jaffnapatnam are Malabars, known to have come originally from the continent, and are a distinct people from the Cingaleze, who possess the rest of the island, and follow the religion of *Bowde*, or *Bhoudda*, whom the Brahmins treat as a heretic; whilst some learned Europeans are inclined with great appearance of reason to believe, that his religion, which prevails over many countries of the East, is more ancient in India than the Brahminical system. He is mentioned by Jerome, Clemens Alexandrinus, and other authors of antiquity, and is now held to be the same as the *Sommonacodom* of Siam; the *Foe* of China, and the *Saca* of Japan. See in the first volume of the Asiatic Transactions a curious and learned paper, which has relation to this subject, by *William Chambers, Esq.*

A premature and lamented death has since deprived learning and society of this excellent man, who to an exquisite skill in several Oriental languages, joined a very uncommon knowledge of Asiatic history and manners. But these qualities were in him only themes of inferior praise. He exhibited, during a long residence in India, in all his relations, employments, and intercourses, a consistent and distinguished example of the Christian character: and from him, inquisitive and ingenious natives, both Mahomedans and Hindoos, with whom it was his practice often to converse, received at once just views and favourable impressions of Christianity. If the occasion had permitted, it would only have been doing justice to his name to place it in a far more conspicuous station than the present note assigns to it; and for this particular reason, among many others, that he was always a strenuous advocate for the diffusion of the Gospel in the East. He had himself begun, with great care, a translation of the Gospels into Persian. 1797.

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worthy of remark, that this author declares the number of *children in the schools*, maintained by the Dutch government, to have risen at the time of his departure from the island, *to eighteen thousand.*

The learned John Leusden, Professor of Hebrew at Utrecht, about the end of the last century, produced several letters from his correspondents, which gave the following further accounts of the state of Christianity in the Dutch possessions in Ceylon. "Mr. Herman Specht, minister of the Gospel at Columbo, writes, that in "the province of Jaffnapatnam, without including Manaar, which appertains to it, "there are, according to the last computation and the list sent thence to us, one "hundred and forty-one thousand four hundred and fifty-six Christians, who have "five pastors to take care of them." The same Mr. Specht, in another letter from Columbo, dated January 6th, 1688, says, "the number of converted Indians, who "have embraced Christianity, is in the space of four years greatly encreased; for "the provice of Jaffnapatnam, subject only to the Dutch East India Company, hath "two hundred and seventy-eight thousand seven hundred and fifty-nine inhabitants; "among whom there are Indians professing to be Christians, one hundred and "eighty-eight thousand three hundred and sixty-four*." Another very respectable authority of the same period informs us, that "the Dutch East India Company "maintain in the Indies, thirty or forty ministers for the conversion of poor Infidels, "who are under their dominion, and are at the annual expense of £. 10,000. for "this purpose, and have hereby converted *many hundred thousands of them to the "true Christian faith*; and for the further propagating of it, have lately erected a "college in the Island of Ceylon, in which one place only they have above eighty "thousand converted Indians *upon the roll*, for whose use they print bibles, "catechisms, and many other books †."

The Dutch Company however, it appears from recent information, never could get a sufficient number of ministers to undertake the work of propagating the Gospel in those countries, or even to serve the churches which had been founded in them; and in later times, the funds allotted for the support of those churches and of the clergy there, have been more and more curtailed; so that from want of labourers, of maintenance, and zeal, Christianity has greatly declined in most of the Dutch settlements, through the course of the last fifty years.

Nearer to our own days, the single Protestant mission which has been seriously prosecuted, that of the Danes at Tranquebar, under the patronage of the English Society for promoting Christian Knowledge, though extremely limited in its funds, and aided by little, if any, territorial or commercial influence, has produced solid and valuable effects, not among the lowest castes only, but among the Brahmins and Pandarims, persons of the highest order and greatest knowledge; and some of the converts have themselves become useful teachers to their countrymen. There has been, since the beginning of this century, a succession of zealous missionaries at Tranquebar, who by no other means than preaching the truth, and exposing the errors of Heathenism, have won multitudes over to the faith of Christ, and formed several respectable churches on the Malabar Coast ‡. The congregations of native Christians under this mission, have indeed been diminished by the wars and calamities, which within the last twenty years have ravaged the Carnatic; but upon the whole, the number of converts made by it, in spite of all the opposing terror of exclusion from their own tribes, has been very considerable; and it may be asserted, upon unquestionable

* Millar's Propagation of Christianity, Vol. II. page 318, in which is cited *Mastricht's* Theologica Theo-practica.——If it were asked, whether all these converts were sincere in their profession, it might be answered, that probably some were ignorant and some hypocritical; but so would the result be upon any large survey, even in Europe. Yet to have discarded the horrid idolatry and mythology of the Hindoos, and to come under the stated instructions of a pure and divine system, would be important changes.

† A proposal from the eminent Dean Prideaux to the Archbishop of Canterbury (Dr. Tennison) for the propagation of the Gospel in the English settlements in the East Indies, contained in a letter to his grace, dated the 20th January 1694-5. In this letter the Dean greatly complains of the indisposition disposition of the English East India Company to the good work which he recommends. The Company, then under the management of Sir Josiah Child, must have much declined from its earlier zeal for the honour of religion.

See the *Life of Dean Prideaux.*

‡ "The Danish mission of Tranquebar was "very highly extolled by several people here, "(Columbo in Ceylon) who at the same time "assured me, that had the Catholics in their endeavours to propagate Christianity in India, conducted themselves with equal gentleness, moderation, and Christian charity, devoid of avarice, haughtiness, and violence, the major part of the numerous inhabitants of Asia would, at this present time, have been converts to this doctrine."—*Thunberg's Travels, Vol.* IV. *Anno*, 1778.

able authority, that many of them have been truly sincere and earnest, living and dying in a manner worthy of the Christian profession. It is evident then, that the light of Christianity has not been held out by this mission without effect. Such is the force of eminent goodness, that the name of *Swartz* in particular, a missionary still living, who has laboured with a spirit truly apostolical for more than thirty years in that country, exposed to its hottest sun, and furnished only with the scantiest necessaries of life, is revered all over the peninsula of India, by Hindoos, Mussulmans, and Europeans. The Hindoo King of Tanjore, when dying, was solicitous to make him the guardian of his heir, and to put the whole management of affairs into his hands, a trust which he declined. The famous Hyder Ali, received him as an envoy on the part of the English, and offered to take his word as the guarantee of a proposed engagement, when, as we have been assured, he would trust no one else; and Colonel Fullarton, who was commander of an English army in that country, though severe in his strictures upon others, has declared publicly, that Mr. *Swartz* singly had retrieved the European character in India. This mission, supported by men of such a stamp, has still real success in educating the young, and converting the adult, not to a new name only, but to a better life and conversation. And if the number of missionaries there were greater, it cannot reasonably be doubted, that the success would be proportionably increased.

The history of the Romish missions proves, that it is practicable to induce multitudes of the professors of Hinduism, to embrace a new faith. The present low state of Christianity, both in those missions, and in the Dutch establishments, is clearly to be ascribed, not to the determined adherence of the Indians to their own tenets, but to the remissness, indifference, and at length almost total neglect of the Europeans, whose too general disregard of the spirit, and precepts of their own professed faith, is, it must be acknowledged, a hindrance of another kind, more lamentable and pernicious than all the rest put together; for had they generally lived conformably to their religion, Hindostan would at this time probably have been Christian.

The observation therefore of a late writer, that "notwithstanding the labours of "missionaries for two hundred years, and the establishments of different Christian "nations who support and protect them, out of perhaps one hundred millions of "Hindoos, there are not twelve thousand Christians, and those chiefly Chandalas or "outcasts*," leads to a wrong conception of facts, and to conclusions totally unsupported. Though this number were correct, it ought by no means to be taken as the utmost possible product of united exertions for a long series of time; for nothing is plainer, than that these exertions, never great, never in any degree what they ought to have been, have gradually declined, except in the solitary instance of the small mission of Tranquebar, for more than a century past, and are in most places now entirely abandoned, not for want of success, but for want of the spirit that should animate such undertakings. Even if the success had never been greater than it is said to be at this day, and had been confined to the lower classes, who however have immortal souls, they who consider the value of Christianity, and the vast importance of the interests connected with it, as well as the opposition which the priests of other religions have uniformly made to it, would still think this success an object of very considerable magnitude. But we have seen what had been done in the times of Baldæus, and of Specht †, and we may judge how far it is reasonable to take the number of twelve thousand ‡ in the year 1790, as the existing amount of Christians in Hindostan, when we may fairly state no less a number than one hundred and eighty thousand to have been existing in the year 1688, a full century earlier. Length of time however, can be no exact criterion in this case. Persecutions, wars, and famines, may reduce the number of Christians. A want of pastors may disperse them, and in a generation or two leave no vestige of flourishing churches. The diligence and earnestness employed in this work will in general be found the truest test, and wherever these have appeared, the effect has been proportionable. As to "the establishments of different Christian nations, who support and protect them," where are they? Exclusive, first of wandering Romish missionaries, who to do them justice subsist on little, and submit to a painful course of life, and next of the Tranquebar

* Sketches concerning the Hindoos, quoted in Dr. Robertson's Ancient India, page 230.

† Page 165, 166.

‡ A letter recently received from a very respectable person on the Coast of Coromandel, states, that in consequence of the capture of Ceylon by the English, twenty thousand native Christians in the province of Jaffnapatnam were left without pastors, and thence were falling off to Paganism. 1797.

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quebar mission already mentioned, which consists not of above seven or eight ministers, on very narrow appointments, where are the establishments, where are the support and protection? Do the Dutch, possessing many large islands and settlements, now maintain even a sufficient number of clergy for their factories? Do the British, the lords of immense territories, and of twenty-four millions of Heathen subjects, maintain a single missionary? *Pudet hoc opprobrium!* This is a very serious subject, which would require and well deserves a distinct consideration *.

The conclusion therefore, which the writer recently quoted, would draw, that the peculiarly obstinate attachment of the Hindoos to their religion, has prevented, and by parity of reason will ever continue to prevent, their conversion to Christianity, is repugnant to the past experience of Europeans. Wherever an attempt has been seriously and prudently made, a certain degree of success has followed it; and if such attempts were more extended, the success would be correspondent.

Doubtless there is always difficulty in turning men from error to truth; and those who have been taught to place a high degree of merit in abstinence from certain meats and liquors, will be prejudiced, as has also been objected, against a religion which treats these things as indifferent. But prudence and discretion will do much. The Danish missionaries have never encouraged converts to shock their Heathen neighbours,* nor to run themselves into unnecessary expense and danger in this respect; for in imitation of the conduct of the first teachers of Christianity towards the Jews, whilst they have explained to them the allowableness of using any kind of food without exception, they have also inculcated the expediency, in their circumstances, of forbearance. But it is idle to lay any great stress as some have done upon such an impediment, when in order to real conversion, much greater obstacles must be overcome. Undoubtedly the grand hindrance, on the part of the Hindoos, to the reception of the Christian faith, is not so much an attachment to their religion, as the dreadful forfeitures which follow the dereliction of it,—excommunication from society, family, wife, children, inheritance, employment, subsistence, every thing valuable in life, and every thing necessary to its support; yet these prodigious sacrifices many have made for conscience sake; and if converts could have protection from persecution, and the means of subsisting themselves by honest labour, which among so many European Christians as are in Bengal could not be wanting, their numbers would be far more considerable than they are at present. In remoter ages, we know from undoubted authority, that the diffusion of Christianity in India, was more general than it has been in modern times†; but the people were the same, their religion and prejudices the same as they are now; nothing was different, but the ardour for propagating the Gospel; and when this ardour revives, in places where the ascendency of Europeans has prevailed over the Hindoo government, it may be expected that more homage will be paid to true religion, than it has yet received.

Sixth. If after all that has been already said of the causes by which the Hindoo character is formed, any person should still be willing to believe, *that nothing more is necessary for the social peace, order, and happiness, of our Asiatic subjects, than to enact good laws, and duly to administer them,* such persons may be pleased to consider

* National support is here spoken of. The Society for promoting Christian Knowledge, before noticed, from their moderate funds, the subscription of individuals, have for a long series of years given an annual allowance to the Danish missionaries of Tranquebar, or more properly have upheld the valuable mission established there nearly since its commencement; and they wish to extend their labours both on the Coast and in Bengal; but their funds, enlarged as they have lately been, are not adequate to the scheme now proposed.

An evasive plea, with which some persons meet proposals of this kind, is hardly entitled to notice. "Let us, say they, begin at home;" as if they were hindered in any domestic plans of benevolence by such proposals; as if he who sincerely wishes the extension of religion at home, must not also wish it abroad; as if it were ability, and not will, for both, which is wanting; as if we ought to postpone the communication of light to other countries, whilst any individuals remain uninstructed, (though through the fault of appointed teachers,) among ourselves; as if the duties of sovereignty did not extend wherever we hold possessions; as if the communication of the Gospel to all our subjects, were not an indispensable duty, and the obligation to perform one duty, could justify the neglect of another both incumbent and practicable; as if in a word, a resident of this country, having a foreign estate peopled with Heathens, should not immediately attend to their religious instruction.

† A considerable church subsisted on the Coast of Malabar from a very early period, and when the Portuguese first visited India, the Christians on that coast were still very numerous and respectable. They were a simple people, and by a complication of artifice and force were brought into subjection to the Romish see, whence they were incorporated with the Portuguese and shared in their fate. See *Histoire du Christianisme des Indes, par la Croze,* and the Portuguese writers cited by him.

consider a maxim which experience has established in the science of legislation, "that laws are of no avail without manners." Where the general spirit of a community runs counter to particular laws, those laws, instead of overcoming that disposition, more commonly lose their own efficacy, as may be seen in the case of duelling, and many other forbidden practices among ourselves. And it usually happens, that regulations which have the maintenance of good morals for their immediate object, fall sooner into neglect, and are infringed with more impunity, than those made to protect the property of individuals.

Our government in India is besides, in this respect, under some peculiar disadvantages. A handful of foreigners presides over a very numerous people, extremely corrupt, and fortified in their corruptions by their own institutions. Out of that mass, we must take the subordinate instruments of our administration in all departments, particularly in the courts of law, and in the police of very extensive provinces. The number of our courts, and of British judges or officers in them, from the heavy expense which they occasion, can hardly be made equal to what is required for the conveniency of the people, of whom also, many reside at a distance from the seats of justice, where moreover the formalities of procedure, and the accumulation of suits, necessarily produce delays repugnant to the nature and circumstances of that people, who earnestly desire prompt decisions.

It may easily be seen, that these causes, especially the national characteristics attaching to the multitudes whom we are obliged to employ in all the inferior lines of administration, would, notwithstanding the many excellent things done to render the fountains and the channels of justice pure, hinder the perfect operation of our legal institutions, even if it were in the nature of such institutions to furnish internal principles of morals, as well as to punish the external violations of right. That it is not, authority and experience concur to assure us. It is the judgment of the great Lord Bacon, a man pre-eminent in jurisprudence as well as in philosophy, "that "good government, and good laws, though they indeed nourish virtue when grown, "*do not much mend that seed.*" Corruption has destroyed many states, where legislation had attained to considerable perfection; and how plainly does it come within our own observation, that even in countries where the awful sanctions of true religion are added to the wisest laws, uprightly dispensed, all are found little enough to check the progress of depravity? The insufficiency of laws alone to this end, cannot then be better stated than in the words of another writer of superior order, which may close the discussion of a topic in itself so clear. "As for human laws, made to "encourage and requite virtue, or to check and chastise vice, it is also manifest that "they do extend to cases in comparison very few; and that even as to particulars, "which they touch, they are so easily eluded or evaded, that without intrenching "upon them, at least without incurring their edge, or coming within the verge of "their correction, men may be very bad in themselves, extremely injurious to their "neighbours, and hugely troublesome to the world; so that such laws hardly can "make tolerable citizens, much less thoroughly good men, even in exterior demeanor "and dealing. However no laws of men can touch internal acts of virtue or vice; "they may sometimes bind our hands, or bridle our mouths, or shackle our feet, "but they cannot stop our thoughts, they cannot still our passions, they cannot bend, "or break our inclinations; these things are beyond the reach of their cognizance, of "their command, of their compulsion, of their correction; they cannot therefore "render men truly good, or hinder them from being bad*."

SEVENTH. There is another species of objection, which does not peculiarly apply to the plan now in question, but equally to all schemes which go upon a principle of proselyting men of one religion to another. The objection is to the principle itself. It supposes that if any religion be necessary, the religion in which a man happens to be born, will do at least as well for him as any other; that being sincere in his hereditary religion, he will be safe and happy in a future state; and that it is therefore wrong to disturb him about any new one. Now this objection plainly assumes, that all religions, however contrary to each other, are much the same as to their end and efficacy. It must suppose, that they are all indifferent or all acceptable to the Deity; and if the latter, that either they had their origin from him, or that human inventions of various and opposite systems of faith and practice, according to the different tastes, fancies, habits of men, and their degrees of knowledge, are at least approved of by him.

This

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This is no other than the old Heathen opinion, revived and extended by modern infidels *. But some men who have fallen into it perhaps carelessly, as an easy way of solving points dubious or disquieting to their minds, have surely not reflected on the gross and impious absurdities with which it is pregnant. Allowing that it does not mean to discard morals, it proceeds upon a fatal sophism, too common, that they may equally subsist with any or with no religion, and that only the duties which our fellow creatures claim, are important, those owing to God, mere ceremonies; it implies, that an infinitely pure, wise and good Being, may be pleased with rites fantastic, cruel, and impure, which in their nature violate every idea, even of morals; or what is nearly as monstrous, that he places on the same level, doctrines and services essentially contrary to each other, and many of them utterly unsuitable to his own holy character. In either case, the greatest outrage will at once be offered to right reason and to the infinite perfections of the divine nature. *But one inference* will thus be reserved, which it is to be feared *is too often the main drift of all the* crude profane notions unhappily indulged upon a *subject the most momentous*,—that no religion has an exclusive claim to be preferred, or that in other words, there is no such thing as a divine revelation; for if a revelation were acknowledged, the consequence must of course be, that it is entitled to supreme regard.

But this is directly to attack the truth of Christianity, which claims God for its author, and, including as it does, the Jewish and patriarchal dispensation, to be the only religion that he hath revealed. This is not the place to vindicate the justice of the claim, nor is it necessary. The truth of Christianity has been a thousand times proved, against every species of attack which the abilities or the passions of men have been able to devise. It stands upon such various invincible evidence, external and internal, as belongs to no other object of human belief; evidence sufficient to satisfy the most secret doubts of every honest inquirer, and to astonish him with its clearness and power. All the assaults of ancient and modern enemies have only served to establish the authenticity of Christianity more firmly. It gains by being examined. It courts the light. The age in which it was introduced, and made its way in the world against all opposing powers, was an age of light. With the revived and increased light of modern times, it has received new lustre and confirmation. Those superior geniuses, who have extended the sphere of human knowledge, have been steady believers in Christianity. The discoveries of science invalidate none of the truths of revelation. The improvement of the mental faculties yields no illumination that can disparage the matter, or lessen the importance of those truths. But in proportion as the investigation of nature, and of the character and state of man, enlarges his views of the great Creator, and his acquaintance with himself, he sees more of the suitableness of the Christian scheme, to the perfections of the one, and the condition of the other. It is by a gross perversion of language, that *the light of this advanced period* is spoken of, as affording any ground for disregarding the doctrines or the precepts of the Gospel. Men have indeed, by too general an agreement, departed from them in practice, and thence the transition is easy to a denial of their authority, *the source of all which is corruption, and the* consequence, a return to the darkness of error; *yet this common, profane relaxation,* in opinions and in manners, is all that *is often meant by such phrases as* "*the light* "of the eighteenth century;" and *experience has shown, that wherever the Gospel* has been obeyed, it has made communities and *individuals better and more happy*, as in proportion to the degree in which it has been rejected or slighted, vice and misery have prevailed. It is the only religion which ever has wrought any reformation among mankind; all other systems have made men easy in their immoralities. Christianity will allow no compromise with evil, and this is the true cause of the resistance made to it; men do not oppose it from the love of truth, or any honest intelligent conviction of its want of foundation, but because it holds out too strong a light, and too strict a rule. To argue therefore as if it were untrue, (which is indeed done when the sufficiency of any other is pleaded,) after every attempt to destroy its authority has ended in its stronger confirmation, is a high strain of unjustifiable assumption, and most indecorous in a country where this religion is the established faith,

* It is the creed of Voltaire, and many others styling themselves philosophers, who from pleading for toleration, moderation, indifference, in matters of religion, proceeded gradually, and by a thousand insidious arts, first to bring into contempt, and then to overturn the established faith of that country, in which they were left at liberty to enjoy even their most extravagant dogmas; and to effect this purpose, razed its civil constitution, its monarchy, all its existing establishments, to the foundation, covering them with anarchy and blood.

faith, and a part of the law of the land. This single consideration however, our national acknowledgment and profession of its truths, imposes upon us, as has been already stated, the obligation of communicating, as far as we are able, the blessings of it to the Heathen world, and precludes therefore the use of any such objection as we are now combating, especially in all national or public discussions of this subject.

It may not be unnecessary however, to repeat here, that every kind and degree of compulsion is utterly excluded from this scheme, as subversive of the rights of private judgment and conscience, and totally contrary to the spirit and genius of Christianity. The abuses which have been committed in this way, whether under the name of that religion, or avowedly in opposition to it, have furnished the enemies of revelation with a set of common-place objections, which also require some notice, because they are applied, not merely against religious persecution, but against the principle of propagating the knowledge of the Gospel in Pagan countries. "The "agitation of religious opinions," say those opposers, "and particularly of the doc- "trines of Christianity, has been the occasion of manifold contentions and immense "bloodshed." That is so say, in effect, that because some wicked men have persecuted their fellow-creatures for preaching or embracing Christianity, and others, professing that religion, have been guilty of similar cruelties against those who could not hold every dogma which they sought to impose, nothing should be done that might possibly awaken this persecuting spirit; men ought not to be disturbed in their errors, however fatal; and the occasional or possible abuse of a thing, however excellent in itself, is sufficient to decide against the dissemination or maintenance of it. The mere statement of these objections is enough to expose their weakness: they allege the conduct of the greatest enemies of religion, against religion itself. They go to supersede reverence to God, love to man, obedience to conscience, and all freedom of opinion.

But the very ground of these objections, surely never sincere, has now ceased. Toleration in matters of religion is well understood. Religion is not propagated by force; and all that is now proposed is, that a certain moderate number of individuals, armed with nothing but truth, reason, and argument, shall in a mild, pacific way, communicate the Christian system to those who have never hitherto had an opportunity of hearing it, and who, whether they listen to it or not, certainly have need of its benign and salutary influences.

It is not, let us again disavow the idea, the introduction of a new set of ceremonies, nor even of a new creed, that is the ultimate object here. Those who conceive religion to be conversant merely about forms and speculative notions, may well think that the world need not be much troubled concerning it. No, the ultimate object is moral improvement. The pre-eminent excellence of the morality which the Gospel teaches, and the superior efficacy of this divine system, taken in all its parts, in meliorating the condition of human society, cannot be denied by those who are unwilling to admit its higher claims; and on this ground only, the dissemination of it must be beneficial to mankind.

Do we then wish to correct, to raise, to sweeten the social state of our Indian subjects? Would we at little cost, impart to them a boon, far more valuable than all the advantages we have derived from them? The Gospel brings this within our power. Of the effects which it would produce in civil society, if men acted according to its principles, we may, in the words of a distinguished prelate*, say, that "in superiors it would be equity and moderation, courtesy and affability, benignity "and condescension; in inferiors, sincerity and fidelity, respect and diligence. In "princes, justice, gentleness, and solicitude for the welfare of their subjects; in "subjects, loyalty, submission, obedience, quietness, peace, patience, and cheerful- "ness. In parents, tenderness, carefulness of their children's good education, "comfortable subsistence, and eternal welfare; in children, duty, honour, gratitude. "In all men, upon all occasions, a readiness to assist, to relieve, to comfort one "another. Whatsoever, in a word, is pure, and lovely, and good."—Can we help exclaiming, with the celebrated author of *the spirit of laws*,—"How admirable the "religion, which while it seems only to have in view the felicity of the other life, "constitutes the happiness of this†!"

And

* Bishop Horne. Sixteen Sermons, page 101. † L'Esprit des Loix, Liv. XXIV. Chap. 3.

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And is this the religion which we hesitate to communicate,—to communicate to those whose welfare it is alike our duty and our interest to consult? Is it not enough that more than thirty years have already elapsed, more than twenty millions of our subjects have passed into eternity, without our making any attempt to instruct them?

EIGHTH and LAST. Another objection still remains to be stated, one of an opposite nature to some of those which have been discussed, and in appearance more formidable than any of them. Its constituent idea is, *the danger which might result from the adoption of the proposed plan.* Put in its strongest and amplest terms, it may be thus expressed: "if the English language, if English opinions, and improvements, are introduced in our Asiatic possessions, into Bengal for instance; if Christianity, especially, is established in that quarter; and if, together with these changes, many Englishmen colonize there, will not the people learn to desire English liberty and the English form of government, a share in the legislation of their own country, and commissions in the army maintained in that country? Will not the army thence become, in time, wholly provincial, officered by natives of India, without attachment to the sovereign state:—will not the people at length come to think it a hardship to be subject, and to pay tribute, to a foreign country: and finally, will they not cast off that subjection, and assert their independence?"

Before we proceed to offer a reply to this objection, it is fair to remark, that whoever seriously entertains it, cannot also entertain those which may be advanced against the practicability of the plan, or the possibility of its succeeding. And in like manner, he who thinks success hopeless, can feel no real alarm for the danger which another might conceive success to be capable of producing. Hence though every man is unquestionably entitled to follow the best decision of his own judgment, yet in this case, an opposition, increased in numbers by contradictory principles, would therefore be diminished in argumentative strength, since objections incompatible with each other could not both be valid.

It will be proper likewise, previously to separate and exclude from this complex objection, some parts of it, which can with no justice be reckoned among the imaginable consequences of any estimated improvement in the state of our Indian subjects. Such are the free colonization of Europeans in that country, and the gradual transfer of military appointments and military power into the hands of provincials. These are things which do not depend on the admission of any particular religion into our territories, or its exclusion; nor upon the will of the people inhabiting them; but upon the government of this country. They are wholly unnecessary; they would, in our humble apprehension, be most unwise; and that light which we now possess regarding our Eastern affairs, that sound policy in the management of them, of which late years have furnished so many proofs, forbid the admission of suppositions so superfluous and extravagant.

With respect to colonization, the nature of our connection with that country, renders the residence there of a certain number of Europeans, for the various lines of public service, necessary. The admission of a further number as merchants, navigators, artists, and professional men, is useful and important; but beyond such a fair proportion as may be requisite for these different lines of employment, and the prosecution of useful improvements and enterprizes, in which the energy and skill of Europeans are essential, their ingress into that country ought not to be permitted; for otherwise a new race might spring up, with larger pretensions, and more untractable than the Hindoos. Those also admitted should be laid under particular restrictions; the more considerable settlements should be confined to the sea coasts; and the laws against the entrance of unlicensed adventurers be strictly enforced; for these adventurers may be of nations hostile to our interests, they will be less known, less to be depended on by us, more liable to fail of success in their own views, and from necessity, be more likely to colonize. But in all the decent and liberal classes of Europeans, there is even an ardent desire to return at length to their native country; and hardly an instance can be found of any person, capable from his circumstances of following this course, who has deliberately chosen to make India his ultimate home. The state of native society there, may, no doubt, contribute to form this disposition; but the Indian climate is not congenial to the European constitution, and the strong endearing attachments of early days, with the rational

judgment

judgment of maturer years, powerfully impel the natives of this happy island to their original seat *.

The other idea, which makes our Indian power to depend at length on provincial officers and soldiers, proceeds upon the supposition of previous unrestrained colonization, which has just been shown to be needless and inadmissible, and upon other imagined changes, into the probability of which we need not now examine. For upon any hypothesis compatible with our retention of the country, it is not conceivable how we should ever be exposed to the danger here alleged. Is it not among the first prerogatives of government to select its military servants? What inducement could possibly arise to transfer the delicate and important trust of military command from the natives of this country to those less connected with it? Do we act thus with our American colonies, peopled by subjects of the British race? As we now ultimately depend not only on British officers, but on British troops, *so*, in the opinion of most competent judges, an opinion which appears to be indisputably solid and important, *ought we to do in all time to come* †.

Among

* The following remarks, added as a postcript to the first copy of this tract, and intended to apply to the subject of the Company's charter, then about to be renewed, it may still not be improper to insert here.

"Lest the scope of these observations should "be misunderstood, the writer begs leave to de- "clare, that he is no advocate for any system "of intercourse between this country and our "Eastern territories, which shall give Europeans "an unlimited freedom of entrance there; but "would most earnestly deprecate all schemes, of "which such unlimited freedom should be the pro- "fessed basis, or the actual, though unavowed "consequence. There is a question concerned "here, of far greater importance than the merely "commercial one of an open or a restricted trade "to India; it is a question that involves in it the "welfare, both of Great Britain and of our Asiatic "possessions.

"If the subjects of this country are permitted, "at their pleasure, to visit those possessions as "they may our American colonies, though pro- "fessedly but for the purposes of traffic, great "numbers of them will settle; for mercantile "transactions must entail residence, because it "will be impossible for a government to say, that "all such transactions shall be closed, and the par- "ties be gone within a certain time, or to take "cognizance in this manner of the conduct of "every individual; and if such a measure were "at first attempted, it would not continue any "time. All the lines of trade and manufactures "would soon be overstocked, and then men would "seek to fasten themselves on the soil. Coloni- "zation would therefore very soon commence in "India, especially in Bengal; those whom uncon- "trouled enterprizes in commerce would carry "thither, would see a rich soil, apprehend great "scope for exertions, and regard the natives as a "subjected people, feeble, timid, and contemptible; "all things would tempt them, and many, both "agents and seamen, would remain. But the in- "crease of Europeans there would not be regulated "by the gradual progress of colonial industry. "Multitudes of the needy and the idle, allured by "the fame of that country, and eager to seize "novel privileges, would flock thither at once. "Britain would, in a short space, be thinned of "inhabitants, and those eastern provinces filled "with a new race of adventurers, many of them "low and licentious. Being there, they must "subsist; they would spread themselves through- "out the country, would run into the inland trade, "fix themselves wherever they could on the lands, "domineer over the natives, harass, extrude, ex- "asperate them, and at length provoke them to "plots and insurrections; they would be bold and "assuming towards our own government there; "its present form calculated chiefly for the na- "tives, would not be sufficiently coercive in such "a new state of things, and hardly any govern- "ment which we could maintain in that quarter, "would controul swarms of Europeans, thus let "loose, and animated by the spirit of adventure "and acquisition. Nor would the emigrations be "confined to our countrymen only. If we tole- "rated the practice of free colonization in India, "people from all the nations in Europe, would "resort thither, mix with other subjects, and ag- "gravate the mischiefs of such an invading sys- "tem. In a certain degree, we should have that "lawless destructive scene acted over again, "which the Spaniards exhibited when they first "poured into America. It was thus that the "Portuguese power in the East declined. The in- "tolerable licence of the roving adventurers of that "nation, rendered them odious to the natives, and "armed the coasts and islands of India against "them, so that weakened before, they fell an easy "prey to the Dutch. And thus too, we should "ourselves be exposed, perhaps at no distant "period, to the danger of general convulsion and "revolt in those possessions, which prudently "guarded and cultivated; may under the favour "of Providence, to conciliate which should be our "first care, be preserved for ages, to our great ad- "vantage, and the happiness of their native in- "habitants.

"The question now therefore, with respect to "these possessions, is not, whether all British "subjects shall have a right to trade thither in "their own persons, but whether the natives "shall be protected from being over-run and op- "pressed by foreigners. A different cause recom- "mends, that the intercourse with these provinces "be still carried on by one national organ, like "the India Company. At first, such a collective "body was preferred, as a better defence against "the arbitrary and rapacious temper of the native "governments. Now that the countries are our "own, such a limited channel is also preferable, "to save this nation, and our Asiatic subjects, "from the evils which might accrue from too great "a transfusion of the people of Europe among the "Hindoos."

† If, upon premises very opposite to those on which the objections we are now answering are grounded, a doubt should be started of the propriety of keeping any people perpetually under foreign rule, this would be to agitate a question involving the right of conquest, and the nature of government; but it might perhaps be sufficient to reply, that we can foresee no period in which we may not govern our Asiatic subjects, more happily for them than they can be governed by themselves or

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Among the articles unreasonably crowded into the objection now to be examined, are those which state the people as becoming, in consequence of some future supposed events and combinations, dissatisfied at the payment of a foreign tribute, and with subjection to a foreign country. Is it to be thought, that such ideas are then only to have existence, or that the people have in any past time been contented under the dominion of strangers? Surely not. The only point for consideration here is, their comparative acquiescence in this condition under their present circumstances, and under those which it is assumed may hereafter arise.

We shall now enter upon the consideration of the objection itself; and the first things which attract our attention here, are the *foundation* on which the whole of this objection rests, and the *principle* upon which it proceeds. The *foundation* is *pure hypothesis*, or conjecture; and hypothesis supported by no real experience of any case similar to the one assumed to happen, nor by any just analogy. Some general apprehension, prepossession, or unexamined suspicion, suggests the possibility of certain events; and to this suggestion, without any satisfaction concerning the premises on which it is advanced, or the conclusion deduced from it, without regard to all the other relations of the subject in question, we are required to give our assent. The *principle* of the objection, at least equally remarkable, is plainly no other than this, that to prevent the remotest chance of such consequences as the proposed improvements might produce, our Asiatic subjects must be for ever held in the same state of ignorance and error in which they now are. "Give them not," says the unstrained sense of this objection, "the light of true religion, teach them not a "better system of morals, provide no stated means for their public or private in- "struction, impart not to them our knowledge of nature, be not liberal to them, even "in communicating the principles of our arts; afford them, in a word, no benefit "whatever of light and improvement, lest our interest should in some future period "suffer; keep them blind and wretched for all generations, lest our authority should "be shaken, or our supremacy over them incur the slightest possible risk." Surely those who may have inconsiderably lent themselves to this objection, will not, upon a clear deliberate view of its principle, seek to justify or to contend for it. A Christian nation cannot possibly maintain or countenance such a principle To do so would be virtually to trample upon every sentiment which we profess in religion or in morals. It would be to make ourselves parties in all the impositions of the Brahminical system, and in effect to hold with its priests, the doctrine of Demetrius,* "by this craft, we have our wealth." To enlarge upon so very obvious an argument, must be unnecessary.

Besides the series of effects which the objection professedly supposes, certain other positions are tacitly comprehended in it, which next claim our notice. It implies, that the establishment of Christianity in a country may, on the whole, prove unfavourable, or less favourable than some other religious institution, to good government; that its efficacy may, on the whole, be inferior in securing the subordination, obedience, and attachment of the people, and the authority of the sovereign. Since reason, experience, and general consent, have fully decided against this position, it would be superfluous and unbecoming to enter into any refutation of it. It is certainly one of the grossest misconceptions of the nature and tendency of the religion of the Gospel, which is known to afford precepts, motives, and encouragements to lawful submission and good order, infinitely more powerful and efficacious than those of any other system. Its real genius is so contrary to licentiousness and anarchy, that as we have seen in a late memorable instance, their triumph can be raised only upon its extinction. If we would read the judgment of enlightened Europe upon this subject in a single sentence, the celebrated author already quoted, who spent a long life in profound and certainly unbigotted investigations into the nature of different systems of religion and law, may supply it. "True Christians," says he, "must be citizens "thoroughly enlightened respecting their duties, with the greatest zeal for fulfilling "them; the more they feel the obligations of religion, the more must they be "sensible of what they owe to their country. The principles of Christianity well "engraven on the heart, must be infinitely stronger than the false honour of monar- "chies, the humane virtues of republics, and the servile fear of despotic states†."

the

or any other power; and doing this we should not expose them to needless danger from without and from within, by giving the military power into their hands.

* Acts, Chap. 19.——Page 159.

† L'Esprit des Loix, Liv. XXIV. Chap. 6.

The objection implies also, that rather than expose ourselves to the possibility of suffering future evils, which it is assumed Christianity might ultimately introduce, we should forego great advantages which are confessedly within our reach. The probability of effecting considerable improvements is not denied; it is, on the contrary, supposed; and this supposition constitutes the very ground of resistance. "Though the field be spacious, and much might be done, attempt not to benefit either "your subjects or yourselves, lest success should, at some very distant day, be abused. "Let us not do moral good, that political evil may not come." Such is the language of the objection; an acquiescence in the propriety of which, since the duty of aiming at those salutary meliorations has been sufficiently established, would imply this further notion: "that the way of duty is not, on the whole, the way of prosperity." It is enough to have pointed out these exceptionable positions.

But another still remains to be mentioned, which goes to the essence of the present subject. The objection silently assumes, "that in a system opposite to the one pro-"posed in this essay, must consist our future safety and stability in India." The high importance of this proposition, not surely one of such intuitive evidence as to command instant assent, entitles it to particular consideration; but that consideration will be more conveniently bestowed, after we have viewed the direct matter of the objection, to which we now proceed.

It alleges then, the probability of the utmost possible success from the adoption of a system of improvement, and the greatest possible abuse of that success. We have no design to exaggerate the effects or events which are necessary to justify these large conjectures; but we apprehend, that upon any reasonable estimate of them, they will be found to form a long series of stages, not only in the advancing, but also in the descending scale of human society; for no partial change in the people, either with respect to opinions or to numbers, seems adequate to the production of them. Let us endeavour therefore, to trace the career which is thus imagined, and to expand to the view, the various gradations of that ample progression by which we are to be conducted through greatness to decline. First, the diffusion of a foreign language, of foreign opinions and arts, of a spirit and religion the most dissimilar to those of the natives, who are a people exceedingly numerous, and from remote antiquity peculiarly attached to their own customs and notions; next a large increase of agriculture, manufactures, commerce; with new wants, tastes, and luxuries; a great demand for English productions and fashions; and a gradual separation from neighbouring nations, in whom these changes, probably misrepresented to them, would beget disgust and aversion to the converted Hindoos. The objection must imply moreover, not only the rise of just notions of civil liberty, but that they have become deeply rooted in a country where despotism seems to have been in all ages, and to be still, the natural and only idea of government*; it must imply vigour and unanimity to assert this liberty; then (before it can be abused) the possession and enjoyment of it; after this, a progress to licentiousness; and lastly, the violent dissolution of their connection with their sole protector, in the midst of nations become hostile to them, without a rational prospect of improving their situation, if they threw themselves upon the support of other European or native powers, or of maintaining independence if they stood alone.

To what distant age, may we not now ask, does this immense process lead us? If we even contract it to any space which an objector could urge as at all commensurate to the assumed consequences, should we still, in reasoning upon such conjectural delineations, stand upon any solid foundation? Would we act in serious and great concerns, even of private, individual import, upon such precarious remote contingencies? Do they not set us afloat upon the ocean of possibilities, where the prospect, extended so far as to become wholly indistinct, confounds sea and sky, and, in interspersed clouds of many shapes gives fancy easily to discover formidable promontories and rocks?

But if we look to known realities, to some of the many and great obstacles which will stand in the way of any such political revolution as is imagined, we shall be at a loss to give any sober satisfactory account of the manner in which they are to be removed. We insist not on the difficulty of disseminating, only by just and rational means, a new religion, opposed by inveterate habits and prejudices. The friends of that

* The government of the *Seeks*, though it have more of an aristocratic or republican form, seems no real exception to this observation, still less the aristocratic connection of the Mharatta chiefs.

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that scheme, indeed, dare not speak of success, with the confidence which the language of the objection seems to favour; yet they are not without hope; and they are animated by a conviction, that even a partial diffusion of Christianity, would improve the whole mass of society. But if we inquire, for instance, into the probable period of the general abolition of castes, which allowing it ever to happen, must be conceived, in the natural order of things, to precede some other supposed changes, what place shall we assign to it? Some point, we may venture to say, not within our ken; and beyond which, it seems vain to stretch our political solicitude in so changeable a world as this, wherein political prediction is so often baffled; perhaps indeed, because it is so seldom connected with present duty. Supposing, however, the tendency of events to be towards such an abolition, we may conclude, that the progress to it will be gradual. With the institution of castes, are blended not only religious doctrines and legal privileges, but the whole system of Hindoo manners. Deep rooted prejudices, combined with strong interests and immemorial habits, cannot reasonably be expected to give way to sudden impressions. The entire manners and usages of a people do not change at once. The institution therefore, will not be deprived of its power by any violent rupture or convulsion. And even after the doctrine of castes shall have lost its religious authority, and its tyrannical influence in society, (still arguing on the supposition that these things may happen,) the manners which it contributed to form, will, in a considerable degree, and for a certain time, remain. Among the Malabar converts to Christianity, distinctions of caste have not lost all their force; the habit of separation, the repulsive feelings, the secluding reserves, which spring from that source, though abated, still exist, in some degree perhaps analagous to the ceremonial prejudices of the first Christian Jews. As long as a principle of this nature remains in society, preventive as it will be of an intercommunion in marriages and professions, no formidable political association is likely to arise. Hence as the decline of the institution of castes will be slow and imperceptible, so the moment of its expiration will be unperceived; subsequent observation only will discover that it is past: therefore neither can this change be a signal for new events.

The grand danger with which the objection alarms us is, that the communication of the Gospel and of European light, may probably be introductive of a popular form of government and the assertion of independence. Upon what grounds is it inferred, that these effects must follow in any case, especially in the most unlikely case of the Hindoos? The establishment of Christianity in a country, does not necessarily bring after it a free political constitution. The early Christians made no attempts to change forms of government; the spirit of the Gospel does not encourage even any disposition which might lead to such attempts. Christianity has been long the religion of many parts of Europe, and of various protestant states, where the form of government is not popular. It is its peculiar excellence, and an argument of its intended universality, that it may subsist under different forms of government, and in all render men happy, and even societies flourishing; whereas the Mahomedan and Hindoo systems are built upon the foundation of political despotism, and adapted, in various instances, only to the climates that gave them birth. Christianity seeks moral good, and general happiness. It does not, in the pursuit of these objects, erect a peculiar political system; it views politics through the safe medium of morals, and subjects them to the laws of universal rectitude.

Nor are we to expect, that Christianity is entirely to supersede the effects of physical causes. The debilitating nature of the climate of our Eastern territories, and its unfavourable influence upon the human constitution, have been already mentioned *, and by others represented in strong colours: "Notwithstanding," says the celebrated historian of the British Transactions in Hindostan, "the general effemi-
"nacy of character which is visible in all the Indians throughout the empire, the
"natives of Bengal are still of weaker frame, and more enervated disposition, than
"those of any other province; bodily strength, courage, and fortitude, are unknown;
"even the labour of the common people is totally void of energy; and they are of a
"stupidity, which neither wishes, nor seems to be capable of extending its opera-
"tions into any variety of mechanical dexterity. All those of the better castes, who
"are not fixed to the loom, are bred to the details of traffic and money, in which
"their patience and perseverance are as great as their detestation of danger, and
"aversion

* Chap. III, pp. 39, &c.

"aversion to bodily fatigue*." From this striking description ought to be excepted the military tribes, to whom it will not properly apply; and the general features, we must take the liberty to say, are overcharged: but having made due allowances on these accounts, the picture will certainly possess no faint resemblance of the original.

Indolence, pusillanimity, insensibility, as they proceed not wholly from physical sources, would be at least partially corrected by moral improvement; but the influences of a tropical sun would still be oppressive. The slight structure of the human body, with its ordinary concomitants, still forming the taste to a vegetable diet, would ill second ardent designs, even if the mind were vigorous enough to conceive them. In the early formation of the relations and habits of domestic life, which modify, in no inconsiderable degree, the Hindoo character, there would be no material innovation. The nature of the country adds to the effects of the climate. It is unfavourable for long journies; and the Hindoos, in general a remotely inland people, have a strong aversion to the sea; even the air of it is offensive to them. They are thus deprived of all the advantages which the intercourses of navigation, and an acquaintance with the world at large, would procure to them. Nor is there the least probability, that they will ever become maritime; and as little likely are they to become in other respects, an enterprizing people. More calculated for passive suffering than for arduous attempts, they little love such exertions as freedom demands, and wish rather to be protected, than to have the trouble of protecting themselves.

Where then is the rational ground for apprehending, that such a race will ever become turbulent for English liberty? A spirit of English liberty is not to be caught from a written description of it, by distant and feeble Asiatics especially. It was not originally conceived nor conveyed by a theoretical scheme. It has grown in the succession of ages from the active exertions of the human powers; and perhaps can be relished only by a people thus prepared. Example is more likely to inspire a taste for it than report; but the nations of Europe have seen that liberty and its great effects, without being led to the imitation of it; for the French revolution proceeds not upon its principles; it is an eruption of atheism and anarchy.

The English inhabiting our settlements in India, have no share in the British government there. Some are employed as servants of the Public, but no one possesses any legislative right. Why then should we give to the natives, even if they aspired to it, as it is unlikely that they will thus aspire, what we properly refuse to our own people? The British inhabitants would be extremely averse to such a participation. Our Government, as it is now constituted, interests Europeans in its support, without the danger which colonization might ultimately incur, their views of establishment and of final comfort centering in the mother country.

The conduct of the British American colonies has raised, in some minds, confused surmisings and apprehensions of the possibility of similar proceedings on the part of our Indian provinces. These alarms are easily caught by such persons, as shrink from the idea of whatever might have a remote tendency to advance our Asiatic subjects in the scale of human beings; conceiving, (with what political truth may perhaps hereafter appear,) that the more entirely they continue in their present ignorance, superstition, and degradation, the more secure is our dominion over them†. But never surely were apprehensions more destitute of solid foundation. There

* Part II, page 5th, of the History of Military Transactions, &c. by *Mr. Orme*, an author well entitled to the high rank he holds in public estimation, by his generally just and comprehensive views of the subjects which he treats, the clearness, accuracy, vigour and dignity of his narration; but not appealed to in the former part of this Tract in the account there given of the state of society among the Hindoos, from an idea that he had not any large opportunities of intimately observing the conduct and manners of the middling and lower classes, who live remote from European intercourse.

† From the mischief which has recently been done in this country, by the dissemination of pernicious publications among the lower people, some persons seem inclined to think, that it would be better for the national security and tranquillity, if that class of the community received no education. As this opinion touches very nearly the main argument which is maintained in the present Tract, the writer, though conscious that neither his ability, nor the limited space of a note, can do justice to the subject, hopes he shall be pardoned in throwing out a few observations upon it.

Springing probably from much better motives than the old exploded maxim, that "ignorance is "the mother of devotion," it nevertheless seems to go upon a principle of a similar kind; it seems to imply, that "ignorance is the surest source of "obedience." But it is presumed, that neither history nor reason will justify such a position, in any sound sense, or indeed in any sense at all, unless a government could be supposed to confine all the knowledge of a country to itself. *Knowledge* has been said, with apparent truth, *to be a species*

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There is, and there ever must be, an essential dissimilarity between the two cases. The Americans were, in fact, Englishmen, (with some infusion of foreign Europeans, which may have contributed to alienate the colonies from this country,) they possessed all the energy of the European character, all the lights of Europe; they were born in a temperate climate, nursed in the largest principles of freedom; nay the seeds of republicanism were sown in the first formation of the leading colonies. They had already

species of power. The *knowing* have power over the *ignorant*; even *the pretence of knowledge*, where *ignorance only* is opposed to it, has a similar advantage; and *knowledge*, like other kinds of power, the more exclusively it is possessed, the more it may be made an instrument of abuse. In the dark ages, when the stock of learning and information was comparatively little, and that little was shared only among a few, the abuses of knowledge and of pretended knowledge, and the ill consequences of those abuses, were greater than they have been in more enlightened times. In our own country, what numerous and gross evils prevailed in society from these causes? Corrupt churchmen and ambitious nobles, (who had the credit of superior intelligence as well as the honour of superior rank,) led the common people within their respective spheres, as they pleased. The common people indeed, had then a spirit of implicit obedience, but it subjected them continually to the impositions of those who assumed the direction of them, and generally to the detriment of the nation at large. Hence the history of this island, prior to the Reformation, exhibits a frequent succession of internal convulsions. That grand event introduced new light; and it was diffused among the lower orders, whose instruction became thenceforth an object of particular care. The consequences were, greater internal order, peace, and stability; thence sprung enlarged industry, adventurous enterprizes, and all the long succession of prosperity which this country has enjoyed.

We have advanced to a high degree of improvement in sciences and arts, in all the conveniences and enjoyments of civil life. Vast commerce has brought vast wealth; and wealth has been followed by its too inseparable attendant, corruption of manners. Our old solid principles, which were the foundation of our greatness, have been gradually falling into disregard and neglect. They might have been well enough in our humbler beginnings, or in a less liberal age; but encreased lights, greater elevation, and a fulness of all means of gratification, have seemed to many to plead first for relaxation, and then for the admissions of other principles allowing a suitable enlargement in indulgencies without fear. This spirit has spread through the whole mass of society. Writings and representations have helped the diffusion of it. Its effects have been visible on morals, and on the happiness of private life. Reverence for religion and for government has decayed. Both have been insidiously attacked from time to time; and at length, as the more mature produce of this spirit, some, disdaining the measured advances hitherto made in unprincipling men, and encouraged by the fatal consummation of a like career in a neighbouring country, have openly and furiously attempted the subversion of all legitimate authority, human and divine. The incendiary torch and the secret mine, have been industriously employed to destroy the venerable fabrics of our religion and our constitution. Seditious and atheistical writings, superlative in the impudence of their falsehood, have been particularly adapted to the vulgar taste; and obviously, because the ignorance of the vulgar exposes them to easier imposition, as the too general example which they had long seen around them, predisposed them to progressive boldness in licentiousness. Then it is, that some men seeing the foundations of our polical existence thus attacked, begin to argue from the abuse of a thing against its use, and to think it would be better for the community, that the lower people should not be instructed even to read, as by such privation they would, it is conceived, be inaccessible to infection from the press.

But in fact, the evils of which we complain, originate in no small degree from the ignorance that has naturally followed the dereliction of right principles. The symptoms indicate a method of cure contrary to that which is proposed. The habit is diseased; the disorder, too deep to be reached externally, requires that the application be directed to its source. A return to ignorance may hasten the destruction of a society become corrupt through refinement, but can hardly contribute to restore it to soundness. At our advanced stage of improvement, it must be vain to imagine, that any retrograde movement we could effect in knowledge, would avail to secure the common mind from agitations and commotions. If any scheme of that kind even succeeded so far as to confine knowledge again among a smaller number, it could not reach to such characters as are now zealous to loosen and root out all received opinions in religion and government; but they would, on the contrary, be able to do more mischief than they effect now, because the more profound were the ignorance of the multitude, the more scope would there be, as in the dark ages, for the arts and activity of wicked men to work upon their credulity. Of this France has furnished a recent instance, too memorable to be ever forgotten. The want of knowledge and principle among the lower classes, left them a prey to Jacobinical impostures and delusions, by which they were hurried at once into the atrocities of anarchy and atheism.

It is not then by exposing our common people, unarmed and defenceless, to the daring blasphemies and sophistries of the preachers of impiety and sedition, that we can hope to keep them quiet. Our security lies, and lies only, in diffusing good instruction and right principles among them. In this too, the French revolutionists have afforded a lesson, which may suggest something useful to us. They endeavour that the minds of the people may not remain in that unfurnished state, of which they made advantage; but that the young especially, may be imbued with the tenets and prejudices favourable to their cause.

It is perhaps a mistake to suppose, that the common people among us, who have been most prone to tumult and disorder, are such as can read and write, or that the tendencies to commotion which have appeared, are to be ascribed to any degree of education possest by that class. Besides that one reader in a circle or in a village would be sufficient to disseminate what was level to the vulgar understanding and acceptable to vulgar prejudices, and that the lower ranks are more affected by what they see or hear, than by what they read; those tendencies have chiefly manifested themselves in large towns, abounding with manufacturers, or idle vagabonds destitute of character or qualities sufficient to procure an honest livelihood, and it is therefore fair to presume, the least instructed part of the community. The manufacturers, generally put to work when yet children,

already a popular government. They were inured to arms, to hardships, and toils. The spirit of improvement animated them in a thousand different lines. They were expert seamen; their country abounded in excellent harbours; and in their geographical situation, they were (with the exception of one or two of our detached, more recently settled colonies) the sole civilized people in a great tract of continent, which seemed to offer to them the tempting prospect of becoming there the only political power. With all this, they were near enough to our insidious enemies to be constantly instigated to resistance by their arts, and effectually aided by their arms and resources. To what one of these many particulars, shall we discover a parallel among our Hindoo subjects? To none, as they now are; and in various important points, no resemblance is ever to be expected. The origin, the physical character and

dren, often receive no education. When grown up, they are, not unfrequently congregated in large numbers, sometimes without due attention to decorum; they encourage each other in vice; and the gains of their labour enable them to pass the time of relaxation, in which they commonly include what ought to be allowed to sacred purposes, in dissolute indulgence. Among people of this character, there is combustible matter already prepared for the designs of those who seek to kindle discontent and disturbance. But the writer of these observations had occasion, not long ago, to see a contrast to this description, in a populous country parish. In that district there were very few persons of sufficient age, who could not read. The people were in general sober, decent, regular in their attendance on public worship; and in the course of twenty preceding years, one instance of the commission of a capital crime among them had not occurred. The doctrines of Paine found little to work upon in such a community; the Bible was reverenced there, and every man kept steadily within his own place.

But we are not left in this case to smaller instances of individual observation. An experiment has been going on upon a large scale for a long series of years, in the sight of the whole nation, in the two countries of Ireland and Scotland. The common classes of the former country have unhappily been too generally kept in ignorance to the present day; and are not the consequences most obvious and most serious? How lamentably are the lower people there distinguished by vicious, turbulent, and lawless proceedings? In what division of the British dominions has there appeared so great a propensity to embrace democratic, disorganizing principles? And it is observable, that these principles, and the barbarities of which we hear so much, have prevailed chiefly in remoter, less enlightened parts of the kingdom, whilst the vicinities of Dublin, Cork and other considerable places more civilized by knowledge, have been more orderly and quiet. Scotland, on the contrary, has been remarkable for attention to the instruction of the lower classes of its inhabitants, and they have, in general, been distinguished for near two centuries past by a spirit of sobriety and order. In the more remote inaccessible parts of that country, whither, obstructed by particular causes, light penetrated more slowly, regularity and good order were also of later establishment; but the natives of those divisions, misguided into excess on some occasions now long past, have since been as eminent for a quiet and peaceable demeanour at home, as for standing numerously in the foremost ranks of those who have bled for the interests and the honour of this country in every quarter of the globe; and at the present critical juncture have come conspicuously forward, in many bands, for the support of our constitution and our religion, against all enemies, foreign and domestic.

Indeed, if we were even to set aside the consideration of religion, and the good principles it inculcates, and to regard knowledge merely as power, or as an instrument of civilization, we might safely rest the present question upon this ground. The diffusion of knowledge would, in the end, render a nation more disposed to check the admission of disorganizing principles. Doctrines it is admitted, while new, might make, as they often do, an irregular impression; but at length these irregularities would be corrected by good sense and reflection; and surely literature, even in its lowest stages, must be allowed to be more favourable to the production of good sense and reflection than ignorance.

But when we take into the question the influence of religion and all its salutary principles, certainly no one who considers their force and tendency can hesitate how to decide. Christianity was given to be a "*a light to the world*;" ignorance is declared in the inspired writings to be one of the leading causes of the ruin of the Jewish nation, and of the vices of the Heathens. The ancient Pharisees were condemned by the Author of our religion for taking away the key of knowledge, that is, the use of the Scriptures from the people; which also has been eminently the sin of the Romish Church. It is, on the contrary, a stated prayer of the Church of England, that the people may so *read* the word of God as duly to profit by it; and as that word "*thoroughly furnishes*" those who submit to it "*for all good works*," so where else shall we find such pointed authoritative precepts for the due regulation, order, and peace of society? "*Put the people in mind to be subject to principali-*
"*ties and powers, and to obey magistrates, not only*
"*for fear of human punishment, but for conscience*
"*sake; to submit to every ordinance of man for*
"*the Lord's sake, whether it be to the king as su-*
"*preme, or to governors as sent by him, for so*
"*is the will of God. Prayers, are to be made for*
"*Kings and all in authority, that we may lead a*
"*quiet and peaceable life, in all godliness and ho-*
"*nesty.* Christians are commanded *to study*
"*to be quiet and to mind their own business, to*
"*fear God and the King, and not to meddle with*
"*those who are given to change.*"

Those therefore, who would, by with-holding the knowledge of letters from the vulgar, abridge the use of the Scriptures, would in fact aid the views of such as wish to overthrow our Christian faith and our civil establishment. If there be any who misuse the doctrines of the Gospel, by teaching a wild and shallow religion, which may indeed too easily connect with political error and disorder, the remedy must assuredly be, in this or in any similar case, not to leave the field entirely to mistaken guides, but more strenuously to oppose error by truth; and if the same zeal, the same *personal interest*, with which the emissaries of sedition have laboured, were universally employed on the other side, rationally and solidly to inculcate right principles and wholesome instructions, we might comfortably hope, that the attempts of domestic and foreign enemies to excite internal troubles among us would end in their disappointment and disgrace.

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and condition, the intellectual, moral, and political state of the Hindoos, have already appeared, in the course of this essay, to be totally different. On their local circumstances only, it remains to say, in addition to what was before intimated, a few words. If they were ever "to exalt the spear of enmity" against their ancient masters, they would do so almost environed by Hindoos, whose faith they had renounced, and to whom their apostacy would have rendered them odious. Could they trust such neighbours as allies, or resist them as enemies? What their interest would obviously require them to avoid, surely we have no right to assume that they would be so unwise as to commit. And if they called in the assistance of an European power, would they thus obtain independence, or only change one master for another? On all the coast of Hindostan there are but three or four good ports, and these at great distances from each other; though the shore is in many places accessible to an invading force, and there are some tolerable harbours in the islands of the Bay of Bengal, of which an enemy could take great advantage. Now if the Hindoos could be renovated in every other particular, no assignable period can be imagined for their acquiring and practising the art of navigation; and therefore those of them now subject to Great Britain must, in their supposed new circumstances, not only continue to need the supply of many wants from that country, but always be exposed to the hostile approaches of the navies of Europe. By a people so circumstanced, it does not appear how independence is attainable. They must, in effect, be at the mercy of the strongest maritime power. Whilst therefore, we continue to be that power, it is rather to be expected that their own interest, and the preference which their imitation of our manners will have given us over other European nations, will jointly induce them to remain safe under our protection; as these motives, on their part, will strengthen us in India against European invaders, and so contribute to maintain our naval superiority at home; which superiority, in the present state of our Hindoo subjects, is still more necessary for the preservation of our Eastern possessions, than it would be on the suppossed approximation of that people to the British character.

It may now be fair to enquire into the propriety with which that species of doubt or apprehension, which has just been considered, insinuates, as it does, some moral relation between the American revolution, and such principles as are proposed to be introduced among our Indian subjects. Is it to be supposed, that if the Americans, being in their physical character, their local and political circumstances, the same, had professed Mahomedanism, or any pagan religion, they would not have been at least equally prone to a revolution? If we had maintained in America, the same kind of despotic government which has prevailed in the East, where the sovereign, when dispatching a viceroy to a distant province, could seldom know that he should not soon have to send an army to reduce him to obedience, will it be asserted that our authority would have been better or equally secured? But after all that is said of the separation of the American colonies from Great Britain, it is now a fact well known, that it did not spring from the general disposition, or the previous design of the people: in the possession of all the advantages, which have been enumerated, they had not become impatient for independence; and among the reasons to be assigned for the attachment which then still remained among them for this country, may certainly be reckoned their possession of the same language and religion.

If it be urged, that a comparison between the American colonists, and the natives of our Eastern territories, can be justly instituted only in considering the latter, not as they are at present, but as they would be after all the proposed improvements were diffused among them, it may be answered, that our previous statement of the effects of these improvements, affords matter for this comparison, so far as things contingent and unknown, can be compared with things established and known; and that it is fair, for a double reason, to state the present disparity between the two races of people, first to shew the immense career which the Hindoos have yet to run, even in the prosecution of such improvements as are attainable, and secondly to demonstrate, that in the character, situation, and circumstances of the Americans, at the æra of their revolution, there were radical important distinctions, which no improvement, on the part of the Hindoos, could annihilate; or in other words, that they could never be expected to arrive at the point at which the Americans then stood.

Indeed those who know the country of Hindostan will probably think that political liberty is the last thing likely to flourish there. Though that country has been, from causes

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causes of a different nature which will be hereafter noticed, always subject to revolutions and convulsions; a revolution, the idea and act of the popular mind, upon the principles, or rather from an abuse of the principles of civil liberty, would be as great a political phenomenon as the world has exhibited, and one of which Asia has given no example. To bring a timid submissive people, whom the Tartars called "*worshippers of power*," up to the manliness of the European character, to elevate the feeblest of them, the Bengaleze, to so high a point of energy, that like the American descendants of the British themselves, they should plan the daring project of an independent empire, seems to be something beyond what has yet been seen, or is reasonably to be expected from the effects of institutions, civil or religious, upon nations.

Having thus considered the adverse consequences held forth by the objection, it may now be proper to notice more particularly, the favourable suppositions which it contains. The dangers it fears, are the dangers of prosperity. If then, this prosperity were realized, and the produce, the manufactures, and the riches of the country were greatly encreased, as according to the objection, English manners, tastes and wants, must also have become common, would not exports thither, and the reciprocal commerce arising from the change (not to reckon the imposts which merchandize, now hardly taxed at all, would then easily bear) be proportionably augmented? For what series of years, and with what multiplying powers, may we then conceive this augmentation to be progressive? Large as the assertion may seem, perhaps the shortest term we could assign to it would produce an accumulation of commercial profits and advantages, more than tantamount to a very high valuation of the fee simple of our provinces, if we could suppose a sale of them to be now made. And it is fair also to admit, that if the country were finally lost, our commerce might still be necessary to it, and possibly even continue to encrease. Such then would be the conclusion afforded by this formidable objection; if for the sake of argument, we were to allow the process described in it, to go on without resistance to its exceptionable parts. But we trust, we have already shewn, that it is not entitled to this concession, and that whilst it holds forth evils, only as distant and hypothetical, it is obliged, as the sole ground of its apprehension, to admit advantages to be certain and proximate.

It remains now to examine one important position, already mentioned to be tacitly contained in the objection, "that in a system, opposite to the one here proposed, must consist our future safety and stability in India." Unwilling as the writer is, to enter on so delicate a subject, and indeed inadequate to the due treatment of it, he feels himself called by his argument, to make some circumspect observations upon it. Certainly in a political view, the great question which this country has to determine respecting India is, "What are the best means of perpetuating our empire there*?" Not, what set of measures or line of policy may suit with the aspects of the day, or keep up the motion of the machine of government; but upon what general principles may we best hope to make our connection with that country permanent, and, as far as we can, indissoluble? Towards the determination of this question, perhaps it will be well to revert to the past history of our Indian provinces (or let us say to those of Bengal in particular, the chief seat of our dominion) and to the character of the natives of them. The English, it is true, were at first guided in their eastern administration, rather by nascent events, than by abstract principles or recorded experience; but however natural this may be, in the progress to establishment, a more extended survey of the course of past affairs in the acquired country, with their causes and consequences, may well befit the new possessors, when firmly settled in their power. It is not perhaps enough to exempt them from this review, that they follow a system of government widely different from the system of their predecessors, and are themselves a very different people. Among their Asiatic subjects, certain general properties which belong to human nature, and certain peculiar qualities resulting from a peculiar composition of society, may be expected to have a steady operation, where not controlled by stronger influences. If we look back then to the history of Bengal for five centuries, we

* Some will be ready to answer, "By securing to the people their religion and laws;" and in the just sense of the words, namely, that no violent change in either, contrary to the sense of the people, is to be enforced, we agree to the proposition. But what if the religion should be less favourable to our dominion than another system, and the people were induced voluntarily to make that other their religion; would not the change be for our interest?

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we shall find, that except in the period when the Mogul empire was in its vigour, and the component parts of it thereby kept in peace with each other, that country has been the scene of frequent revolutions; and we cannot fail to discover, that as the despotism of eastern government may be reckoned the first and remote principle of such changes, so they have immediately proceeded from two causes, the lawless spirit of ambitious adventure common among all the military tribes of Hindostan, and the nature of the general mass of the people inhabiting that region.

The Persians and Tartars, who have poured into it from early ages, have generally been soldiers of fortune, who brought little with them but their swords. With these they have not unfrequently carved their way to dignity and empire. Power has been, and is their darling object; nothing was scrupled by them to obtain it; the history of Mahomedan rule in Hindostan is full of treasons, assassinations, fratricides, even parricide is not unknown to it. These northern adventurers by their spirit and pursuits, became in fact an accession, of more active and stronger qualities indeed, to the military division of the people of Hindostan. The Hindoos, though held to be less prone to the shedding of blood, have not however, carried their nicety far, when the prize of sovereignty or authority has been in question; but among them, sanguinary ambition has been usually confined to the Brahmins and the military caste; to the latter more.

The military class of the Hindoos, which in its institution has some of the features of a militia, forms in reality a great standing army of mercenaries, ready to be hired on all occasions, though usually not obliged to enter into actual service. Thus the sovereign of a country cannot always command their assistance, whilst the existence of such a body may often render a domestic competitor, or a foreign enemy, formidable to him. From this copious source, any man of enterprise, whatever were his views or pretensions, could always find partisans, if he had funds to entertain them; the treasure of the prince has been often used by his servants, to hire men to despoil him also of his throne. No character has been so bad, no cause so unjust, as not to find an army to support it if there were money to pay them. The members of the military caste, conceiving themselves destined by their creation to fight, often take up arms with the same indifference and indiscrimination as a labourer takes up a spade; insomuch that it has not been unusual to see a defeated army join the standard of the victor, upon the same principle which carries the labourer from one employer, with whom business runs low, to another whose service and means he deems more sure. The military Mahomedans (for many of the descendants of the Tartars who settled in Hindostan fell into the lines of civil life) are equally ready as the military Hindoos to engage themselves in commotions, quarrels, and any species of warfare, both having always, in times of confusion, an eye to plunder.

From this institution of a military class, the wisdom of which is surely impeached by the general effects it has produced, the military spirit came at length to reside almost wholly in one portion of the people. And hence may, in part at least, have followed the abjectness of the inferior tribes, composing the main body of the nation, and their want of public spirit. However much they may, on different accounts, have preferred a Hindoo to a Mahomedan government, no instance is recollected of their rising to support any native prince, or keep out any invader. The whole history of the Mahomedan empires in Hindostan, as well as the traces we have of the anterior government of the Hindoos, and what we see in modern days, all concur to prove the slavish disposition of that people, and their want of attachment to their rulers.

From these several causes, the despotic genius of Eastern government, the exclusive hereditary allotment of the military profession to one class, and the abject character of the people, have proceeded the great encouragement of individuals to the violent assumption of power, and the frequency of insurrections, convulsions, and revolutions in that country. And the same causes, though their operation may, by various circumstances, be occasionally suspended, will as long as they exist, have a tendency to produce the same effects. Hindostan has alternately been united under one great head, or partitioned into many states. New conquerors have, in different ages, appeared on that continent, who encreasing as they went on, have at length, by the vast number of their followers, overwhelmed every thing that opposed them. We now, indeed, see the empire of the Moguls prostrate, and may be apt to think, that arranged as the politics and powers of Hindostan are, the same order of

things

things is not likely to return; but it was upon the subversion of the Patan empire that the Moguls rose; and may not a new adventurer, and a new horde from Tartary, establish yet another dynasty? It was perfectly in the option of Nadir Shaw, when he entered Delhi as a conqueror, in 1739, to have done this*. And if one of those scourges of mankind who have so frequently desolated India, should again arise, sending his fame, and the idea of his "happy destiny" before him, might not the multitudes collected in his progress, poured out at length into the remote quarter of Bengal, endanger our existence there? Whether we suppose him to advance in the first flush of conquest, or after he had given a central consolidation to his power, he would be backed by the resources of a vast inland region, by large armies of horse, and myriads of infantry. If we now figure to ourselves the progress of his operations, it will not bring them nearer; it will be in order that we may be better guarded against them. The Tartars, unaccustomed to cope with our steady military gallantry and skill, might be repeatedly repulsed. Still fresh swarms of assailants might be brought forward, and season after season, invasion be renewed. We could bring few cavalry into the field; the numerous squadrons of the enemy might waste and exhaust the country; the landholders, from whom the revenues are derived, would, as is usual in Hindostan, upon the appearance of commotion, withhold the payment of their rents; the produce of the districts which the enemy might occupy, they would immediately appropriate; and the credit of our government, as indeed we even now experience in times of exigency, would not procure us any adequate supplies. We should thus be straitened and embarrassed in our resources; suspicions of our stability might arise in the minds of our subjects, and among them would be a great number of the military caste, unemployed by us, and ready to make their own use of any promising occasion. Many of those subjects, won by the splendor of new power, and the proud display of an imperial standard, or desirous of securing an early interest, perhaps indulging new hopes from a revolution, would fall away from us: others would wish for a cessation of predatory vexations, at the expence of our expulsion. The Seapoys, whose attachment to us has appeared surprising, though the causes of it seem neither inexplicable nor immutable,† supplied tardily, and perhaps only partially with the pay, of which the regular advance had before so conciliated them to our service; and instead of being animated by the career of victory, cooped up in a dubious defensive warfare, might also be tempted to listen to the large offers of a dazzling leader, in whom their ready notions of fatalism might easily present to them a new *king of the world*. In such an arduous crisis, we trust that every thing to be expected from bravery, fortitude, and military science, would be performed on our part; but must not our lasting dependence be chiefly on British troops, on our maritime power, and on supplies by sea? With all these, it is very easy to see how oppressive, how threatening a long struggle, maintained under such circumstances, possibly by aids derived from the mother country, must be to us; how much also it must shake our interests and our stability in the rest of India. Now in any such state of things, in any case of the same nature, less extreme, what would be of more importance to us, what could so effectually fortify our cause, as to have the people of our territories sincerely attached to our government; to have established in their minds such an affectionate participation in our lot, such an union with our interests, as should counteract the defection, defalcations, and treachery, to be otherwise apprehended from the ordinary bent and practice of the Asiatic character? We should thus have the service of all the resources which our rich provinces contained, we should have the steady adherence and co-operation of the people, and in this way, might certainly confound and baffle even the powerful preparations of an imperial despot, to whose affairs long and spirited resistance might prove highly detrimental, by encouraging distant provinces which he had before over-run, to throw off the yoke. And how are our subjects to be formed to a disposition thus favourable to us, to be changed thus in their character, but by new principles, sentiments, and tastes, leading to new views, conduct, and manners; all which would, by one and the same effect, identify their cause with ours, and proportionably separate them from opposite interests? It is not, we may venture to affirm, from such a change, but in continuing as we are, that we stand most exposed to the dangers of political revolution. The objection which conceives remote evils to result from a plan of improvement, does not advert to others which may, in the mean time, arise from causes of a different kind. We join with it in the desire of securing in permanence, the fair possession this country has

* If he had, we might probably have still been mere merchants in India.

† See note to page 31.

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has obtained (more, it may be concluded, by the overruling dispensation of Providence, than by any scheme of man,) but differ as to the means. To us it appears, that nothing promises so fair for the end proposed, as engaging the attachment and regard of the people, and removing those causes which have hitherto made them so acquiescent in every change. It was this passive temper, joined to the expectations which many might entertain from the deposition of the reigning Nabob, that contributed to our easy acquisition of the country; but the same temper would render our hold of it less sure in any arduous contest. At present, we are every way different from the people whom we hold in subjection; different in country, in language, in manners, in customs, in sentiments, and in religion; their interest also, for the reasons mentioned in the early part of this memoir, they must conceive to be different from ours. What then can be a healing principle with regard to all these points, but a principle of *assimilation*, a *common-bond*, which shall give to both parties the reality and the conviction of mutual benefit from the connection? Without an uniting principle, a conjoining tie of this nature, we can suppose the country to be, in fact, retained only by mere power; but in the same degree that an identity of sentiments and principles would be established, we should exhibit a sight new in the region of Hindostan, a people actively attached, cordially affected to their government, and thus augmenting its strength. In this laudable way, we should become more formidable to the other powers of that continent, we should be best secured against foreign enemies, insurrections, and the dangers of an hereditary military body; we should have more support from the mass of the people, and in a word, be most effectually guarded against a revolution.

It is remarkable, that the radical principle of the conclusion thus made, a conclusion to which an acquaintance with the Indian character, and the experience that progressive time has afforded of the effects of knowledge, particularly the divine knowledge of Christianity, may now easily lead an ordinary mind, directed, according to the judicious historian of *The ancient European Intercourse with India*, the policy of the Grecian conqueror of that country, in securing his Eastern acquisitions. However different, in other respects, the circumstances of that celebrated personage may be from ours, in this we agree with him, that we have an Asiatic empire to maintain. And Dr. Robertson, who in acknowledging the eccentricities of that extraordinary man, gives him also the credit of profound political views, observes, "he early perceived, *that to render his authority secure and permanent, it* "*must be established in the affection of the nations he had subdued, and maintained* "*by their arms;* and that in order to acquire this advantage, all distinctions between "the victors and the vanquished must be abolished, and his European and Asiatic "subjects be incorporated and become one people, *by obeying the same laws, and by* "*adopting the same manners, institutions, and discipline.*" It is the leading idea only of this policy, that is meant to be applied here; and that leading idea is plainly the principle of *assimilation*. It would neither suit us, nor our subjects, to act upon it universally, as Alexander proposed. We ought not to wish, that the distinctions between the two races should be lost, or to aim at introducing into Asia laws framed for this country; but to attach our subjects by affection, by interest, by winning them to our religion and our sentiments,—this would be at once to add to their happiness, and to arrive at the same object which the great conqueror had in view, that of rendering our authority "permanent and secure."

This policy is recommended by some other considerations, which shall be briefly noticed. It is sufficiently understood, that since our first appearance on the theatre of Indian war and politics, the native powers have improved in military discipline, and that we now find it necessary to bring into the field, armies proportionably larger than those that served to achieve our early victories. Having so interesting an evidence of the capability of the natives to improve, there appears no good reason to conclude, that their advancement in military skill may not be further progressive. It is extremely probable, that the beneficial effects of our civil policy will also in time force themselves upon their attention, and from the cogent motive of self-interest, produce at least some imitations. All the advances they make in the arts of war or of peace, will serve to lessen that superiority in both, by which, under the disadvantages attaching to us as foreigners, and with forces comparatively small, we have acquired an ascendancy among the powers of Hindostan. The nearer we approach to an equality, the more these disadvantages will be felt. Our business seems to be therefore, by new resources in policy, still to preserve the relative rank in which we have hitherto stood; and what can more directly conduce to this end, than to infuse new

principles

principles of attachment, of activity, and industry, among the people we govern, thus strengthening their character, and deriving additional support from them?

The European nations have an undisputed possession of the Indian seas, and are now so much connected with the continent of India, that every material change which takes place in them, may be expected, in some shape or other, to extend its influence thither. It cannot be irrational, therefore, to suppose, that the astonishing events which have lately convulsed Europe, and are likely to produce consequences durable and momentous, may have their bearings upon our Asiatic interests. That exorbitant ambitious power which seeks our destruction, may aim, by different channels and instruments, to excite troubles and disorders in our possessions, or to embroil us with our Indian neighbours. The Cape of Good Hope, the head of a vast country, in a fine climate, and singular in the felicity of its position for a great emporium, whether it remain with us or fall under French influence, will probably, by a change already begun in its internal policy, swarm, at no distant period, with a numerous race, of European character and descent, planted at the entrance into the Indian seas, and within two months sail of the Indian coasts. Another great colony of the same race, in a climate equally favourable to the human constitution, is springing up on the eastern side of the Indian Ocean. The appearance of many adventurers of these descriptions on the shores of Hindostan, as one day they may be expected to appear, (a day perhaps nearer than it is possible to bring other apprehended improvements,) can hardly fail to have some effect upon the political affairs of that country, those of the native princes as well as our own. In all these, or any other supposable cases then, the more closely we bind the people under our rule to ourselves, the more firmly shall we be prepared, in that quarter, against adverse events and combinations.

It may be urged by some, in opposition to the systematical improvement here proposed, that the influence of the British government and character, especially where the intermixture of Europeans is large, will of itself gradually produce a change in the sentiments of our Eastern subjects. Let this position be, to a certain degree, admitted; it is one interesting enough to merit some attention. The English, in their obscure commercial state, were little known or regarded by the people whom they now govern. Their elevation to power, brought into public display all the particulars of their character, with their manners and customs. These, in various instances, at first shocked the prejudices of the Hindoos, who thought, with a kind of horror, of the new masters to whom they bowed. But by degrees they perceived, that usages the most repugnant to their ideas, were free of that turpitude which they had associated with them. They found these foreigners superior to them in general powers and knowledge, in personal honour and humanity; and at length saw the British government assume a character of equity and patriotism, unknown in their preceding administrations. These qualities, it shall be granted, have a tendency to conciliate in some measure, the natives *who are near enough to observe them.* Among those who live in our settlements, or are much connected with Europeans, long habits of intercourse have softened down repugnancies, or blunted the sensations which our manners at first inspired; and there is in such, an apparent, perhaps a real abatement of jealousy and solicitude respecting their own notions and punctilios. But in all these varying aspects of the European character, something essential to those disposed to fall into an imitation of it has been absent. Men that meet together in this country for the purposes of business, seldom enter into communication respecting the foundations of their faith and practice; any serious discussion of this nature, occurs still more rarely there. The indifference for religion, which Mr. Hume ascribes to the English in general of the present age,—(he calls it profound indifference,)—may there pass for liberal toleration, or complaisant forbearance towards inferiors of another faith. Discovering in their intercourses with us little of the nature of the religion we profess, they will not, of course be apt to refer the good qualities of which the English appear possessed, to that source; nor will they know, that the national standard of morals formed from it, has an influence, even upon the conduct of those who pay no particular regard to a religious system. If then any of the Hindoos should, in time, feel some tendency to imitate that freedom in manners, sentiments, and intercourses, that latitude as to religious opinions and observances, which they see in their European masters, what would be the consequence but evidently this, that they would be loosened from their own religious prejudices, not by the previous reception of another system in their stead, but by becoming indifferent to every system. For a transition from one error to another is, it must be acknowledged,

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more readily made, than a transition from error to truth. Error is more easily imbibed, more hardly eradicated; truth more slowly received, more easily resigned. And in this way it is, that if we conceive the anarchial principles which have burst forth in Europe ever to spread to India, they will be most likely to have their entrance. Indeed so wonderfully contagious do they appear to be, so congenial to the worst qualities of human nature, that it may be difficult to point out a place where they can find nothing to fasten upon. Societies in which much corruption and much superstition prevail, seem in general more liable to them, than those in which true religion and morals are still strongly rooted. The French, it will readily be allowed, fell into them more readily than they would have embraced any scheme of personal reformation, or a more pure and strictly practical religious system. The abuses of civil and religious institutions lead to them, and furnish the most plausible pretences for them. False principles, and the fooleries of a false religion, even when used to support things good in themselves, as government and subordination, would ill stand before such arts and abilities as have lately assailed the truth. Truth only is invincible. To teach it therefore, is to take the surest means of excluding the infection of licentious disorganizing sophistries. A change from false religion to the true, is a movement from an exposed place to a strong fortress; and every advance made in the system of moral and religious instruction here recommended, so far from opening the way to those loose latitudinarian notions which tend to a rejection of all authority, would establish rights, human and divine, upon their proper basis, and bind the conscience to the observance of them.

To these considerations, which on the whole may certainly be deemed not unworthy of attention, two other reflections may serve to give additional weight. First,—It is to be feared, that the number of lower Europeans will go on to encrease in our territories; they mix most with the natives, and by them the worst parts of our manners will be exhibited. Secondly,—By the security which we have with great wisdom given to the land tenures of Bengal, the value of property there, and the consideration arising from the possession of it, will naturally be enhanced, so that in process of time, the owners of large estates, hitherto little productive to them, may become of consequence by their wealth and possessions. We know also, that encreasing prosperity tends to strengthen pride and disorderly propensities. Here again, therefore, we find motives for the introduction of our principles; for if some at least, both of the higher and lower orders, may be led, by European manners, to adopt new ideas of relaxation, at the same time that new powers are put into the hands of the former, we ought, in good policy and reason, to communicate to them a system which, divested of all burthensome unnecessary ceremonies, and all superstitious folly, is yet calculated to produce a purer and higher influence than their own, upon the general moral conduct, and all the relative duties of life. As then we have already been gradually led, by good sense and expediency, to introduce regulations derived from our national ideas and principles, into the government and management of our possessions, their advantage and our safety may dispose us also to wish, that our religion and moral principles might obtain a fair establishment there; for if we can suppose, that through the encreasing relations between Europe and India, the common lights and manners of Europeans adventuring thither should ever make a strong impression, unaccompanied by the knowledge of those principles, which do not propagate themselves spontaneously, and are not to be inplanted without culture and care, that change might not be favourable to our interests; since the present circumstances of Europe seem emphatically to point out, that nothing but such principles can be depended upon, for keeping subjects in obedience and subordination *.

In

* These several objections, and the answers to them, excepting the sixth and seventh, were, as to their substance and scope, committed to writing in the latter end of the year 1792, though not then in any shape brought into notice. In April 1793, a discussion took place in a general Court of Proprietors of East-India Stock, in which almost all the same objections were advanced, by persons with whom the writer never had any communication on such subjects. This was on occasion of two resolutions which the House of Commons, very honourably for itself, had voted in the view of introducing the purport of them into the Act of Parliament then about to be passed, for renewing the charter of the East-India Company. The resolutions were these:

"RESOLVED, That it is the opinion of this "House, that it is the peculiar and bounden "duty of the legislature, to promote, by *all just* "and *prudent means*, the interests and happiness "of the inhabitants of the British dominions in "India; and that for these ends, such measures "ought to be adopted, as may *gradually* tend to "their advancement in *useful knowledge*, and to "*their religious and moral improvement*.

"RESOLVED, That sufficient means of religious "worship and instruction be provided for all "persons of the Protestant communion in the "service,

In coming, as we now do, to the close of the answer to the last and most material of the objections which are foreseen against the proposed scheme, that objection which questions the expediency of using the English language, it will be proper to call to recollection what was stated in the first opening of it,—that the *principle* of communicating our light and knowledge, and the *channel* or *mode* of communication, were two distinct things; that the admission of the former did not depend on the choice

" service, or under the protection of the East " India Company in Asia, proper ministers being " from time to time sent out from Great Britain " for those purposes; and that a chaplain be " maintained on board every ship of 500 tons " burthen, and upwards, in the East-India Com- " pany's employ; and that moreover, no such " ministers or chaplains shall be sent out, or " appointed, until they first shall have been ap- " proved of, by the Archbishop of Canterbury, " or the Bishop of London, for the time being."

Several Proprietors of East India Stock made a violent attack upon these resolutions, and the following is an abstract of all the arguments or objections urged against them, as they are reported by Mr. Woodfall. It is with reluctance that any reference is made here to the opinions then given, because they stand connected with particular names; and it is far from being the wish of the writer, to introduce any thing that may seem to have even a remote tendency to personality; but as opinions delivered in a public assembly, and afterwards made more public by the press, are fairly open to animadversion, so justice to the present subject, renders some notice of those now in question, indispensable.

OBJECTIONS STATED GENERALLY. " That " sending missionaries into our Eastern territories, " is the most wild, extravagant, expensive, un- " justifiable project, that ever was suggested by " the most visionary speculator. That the prin- " ciple is obnoxious, impolitic, unnecessary, full " of mischief, dangerous, useless, unlimited."

SPECIFIC ARGUMENTS, *First Class.* " The plan " would be dangerous and impolitic; it would " affect the peace and ultimate security of our " possessions. It tends to endanger and injure " our affairs there most fatally, it would either " produce disturbances, or bring the Christian " religion into contempt. Holding one faith or " religion, is the most strong common cause with " mankind, and the moment that took place in " India there would be an end of British su- " premacy.

" That the principle of proselyting was *im-* " *politic*, and was, or ought to be exploded, in so " enlightened a period as the eighteenth century."

" That it would be a most serious and fatal " disaster, if natives of character, even a hun- " dred thousand of them, were converted to " Christianity.

" That the establishment of seminaries and " colleges in America, was one of the most " efficient causes of the loss of that country.

" That suffering young clergymen, (who are " usually of pleasurable habits,) to over-run the in- " terior of India, would be dangerous, and prove ul- " timately destructive to the Company's interest."

Second Class. " The scheme would be un- " successful. It is extravagant to hope for the " conversion of the natives. They are invincibly " attached to their own castes; their prejudices, " manners, and habits, are all against a change."

" It is vain to attempt to overcome pre- " judices fixed by the practice of ages, far ex- " ceeding the time in which Britons had any idea " of religion at all. The attempt is, in these " views, idle, absurd, and impracticable."

" Only the dregs of the people can be con- " verted; they will pretend conversion, and dis- " grace Christianity.

" The higher, and more respectable natives, are " people of the purest morality, and strictest " virtue, (this was said only by one speaker, who " knew little of India.)

" The services of religion are devoutly per- " formed in the Company's settlements and ships, " either by clergymen or laymen, and their eccle- " siastical establishments are sufficient."

Third Class. " The *scheme would be expen-* " *sive.* The expence would be enormous, into- " lerable; one, two, or three hundred thousand " pounds."

Fourth Class. " The scheme would be un- " limited, in respect of the numbers and qualifi- " cations of the missionaries."

All these objections will be found already answered in the text. A few brief remarks upon them may however be proper, and will be sufficient here.

1st. The objections urged in general terms, are merely declamatory. They are accompanied by no reasonings or elucidations. But *the principle* which they censure as the most wild, extravagant, unjustifiable, mischievous, dangerous, useless, impolitic, that ever was suggested by the most visionary

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* It will be remembered, that these are chiefly *Idolaters*, something of whose character and worship we have already seen. With whatever indifference idolatry may be viewed, and however venial it may be accounted in these times, even by persons born in Christian countries, it is a crime against which the displeasure of the holy and true God, the sovereign and unerring judge of the qualities of actions, is expressed, with peculiar indignation, contempt, and abhorrence, throughout that revelation which he hath vouchsafed to us; and it is therein shewn to have often brought on, by its nature and effects, the misery and ruin of individuals and of nations.

Even the wiser men of ancient Pagan Europe, between the superstition of which, and the idolatry of the Hindoos, an identity has been proved, (by Sir William Jones, in the Asiatic Transactions, Vol. I.) saw and complained of the evils of their popular system of religion. Cicero brings in an Epicurean philosopher, arraigning that system in severe terms. " The most absurd things, observes he, are said by " the poets; things which are noxious even by the agreeable " style in which they are conveyed; for they have intro- " duced gods mad with anger, inflamed with lust, and have " presented to our view their wars, battles, fightings, " wounds; their hatred, differences, strivings; their births, " deaths, " deaths, complaints, lamentations; their lusts, exceeding " in every kind of intemperance; their adulteries, fetters; " their lying with mankind; and mortals begotten of im- " mortal gods." (*De Nat. Deor, Lib.* I. §. 16.) And again, in the person of a Stoic, he thus reprobates the same system: " The introduction of feigned gods, has begotten false " opinions, and turbulent errors and superstitions, no better " than old wives' fables; for the figures of the gods, their " ages, dress, and ornaments, are set forth; their alliances, " marriages, affinities; and all are reduced to the similitude " of human imbecility: They are brought in as men dis- " turbed by passion; we hear of their lusts, sickness, " anger; yea as fables tell us, the gods have not wanted " wars and battles . . . . . These things are said and *believed* " most sottishly, and are full of extreme vanity and futility." (*Ibid. Lib.* II. §. 28.)

To these base gods, however, temples were erected, and divine honours paid. They had their costly trains of priests, services, sacrifices, festivals, and games. Some of their rites were atrociously cruel, others infamous for debauchery, prostitution, and the most unbridled excesses. Hence corruption was diffused among the people, the moral system, even of the philosophers, was very defective, and their allowed practices, in some respects abominable.

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choice which might be made of the latter, and was alone absolutely contended for. The channel of the English language, however, has been preferred, in the present plan, as being deemed the most ample and effectual; and though new, also safe and highly advantageous. Against this channel, however, the writer thinks it possible, that reluctancies may remain when arguments are obviated. Strongly as he is himself persuaded, that great and peculiar advantages would flow from it, he nevertheless would

sionary speculator, *is the principle of the Gospel itself.*

The Gospel was propagated by missionaries; missionaries planted it in the different countries of Europe. Almost all those countries have, in imitation of the same practice, sent missionaries into infidel parts; and how is it possible for men to communicate it otherwise? In this kingdom, two societies are established by royal charter, for propagating the Gospel in Heathen lands; and there is a third society of long standing, employed in the same object, which enrolls among its members, many of the most eminent persons of the nation. So much for the antiquity, authority and general acknowledgment of *this principle*, which is treated as if nothing like it had ever been heard of before.

2d. It is obvious, that the first and second classes of specific objections, militate against each other. Since the scheme proposes only a pacific exposition of Christian truths, it cannot be both dangerous and unsuccessful. The danger is avowedly founded mainly, if not wholly, on the supposition of success. If success therefore is not to be hoped for, where is the danger? And again, if the scheme really threatens so much danger, what becomes of the argument against success?

These contradictory objections cannot both be just. The same speaker however, who is reported to have "*thanked God*" that the conversion of the natives would be a matter of *impracticability*, strenuously opposed the scheme on this ground, that the moment they and we came to hold one faith there would be an end of our supremacy in the East; but if he thought it *impracticable* to convert them to our faith, with what reason could he urge the *danger* which would follow from such conversion, as a serious and alarming objection? When the *cause* does not *exist*, neither can that, which can only flow from it as its *effect*.

3d. The *principle of not communicating to the Hindoos the Christian religion, lest this should in the end, destroy our government over them*, is however here fairly acknowledged and argued upon. The establishment of seminaries and colleges in our American colonies, is in the same spirit adverted to in a way of warning; as if Christianity had produced the revolution there, when in fact they were men of infidel opinions, who planned both the American and French revolutions.

The reason assigned in justification of this precautionary principle also deserves attention; "be-"cause holding one religion is the most strong "common cause with mankind." If the proposal had been, that the English should become converts to Hindooism, this argument might have been well placed; but applied to the present scheme, it can only operate in favour of it.

4th. It is curious to find it alleged, among the arguments against the proposed clauses, that some of the Hindoos were too good, and others too bad to be converted.

This was advanced by only one gentleman, little acquainted with India, whose speech happening by a common newspaper to reach the Reverend Mr. Swartz, already noticed as long a missionary of distinguished reputation in the Tanjore and Trichinopoly districts, produced from him a vindication of the conduct and effects of the mission in which he is concerned; a vindication framed indeed in modest and simple terms, suitable to the character of the writer, but highly honourable to the cause of missions, and though he intended it not, to his own. This piece, too good to be concealed, has been printed in the Transactions of the English Society for promoting Christian Knowledge, and a copy of it is given in the Appendix.

The assertion of the same speaker, that the higher natives of India are people of the purest morality and strictest virtue, is altogether new, and in palpable opposition to testimony and experience. Upon the gospel scheme, no man is too good or too bad for the benefits it proposes; and there is a very large class between the best and the worst, of whom the speaker took no notice. His other assertion, that the ceremonies of religion, or the service of the Common-prayer Book, were with great decency and devotion regularly performed by laymen on board the Company's ships, and on land, in places where there happened to be no clergyman, is a topic for ridicule, if the subject were not of so serious a kind; the reverse of this assertion being so notorious. And is there no use for a minister of religion, but to perform a ceremony, or to read a form of prayer once a week?

5th. The objections urged on the ground of the *unlimited* expence of the scheme, the *unlimited* numbers of the clergy that would be sent, their *improper* character, and *their roving through the country*, all go upon assumptions not only unwarranted, but contradicted by the tenor of the clauses themselves, and in opposition to the dictates of common sense. The Directors of the Company were themselves to be entrusted with the execution of the scheme; they were to judge of the number of missionaries sufficient, they were to regulate the expence. Was it conceivable, that they would have gone, in either article, to a length burthensome or dangerous to the Company? Was it conceivable that they would have suffered missionaries to ramble, at their pleasure, through the country, if the missionaries sent should have been men so disposed? but can it be imagined, that the friends of the scheme, and the respectable authorities whose testimonials were to render the missionaries receivable by the Company, (not to force them into their employ,) would have had so little regard to the success of their own object, as to select persons the least likely to promote it? In fact, the danger was of another kind; so much was left in the discretion of the Directors that if they should have had the disposition, they might also have possessed the power, very materially to thwart the prosecution of the scheme. And as to the real number and expence of missionaries at first, the former, if proper persons should have been found, would perhaps have been thirty; and the annual charge of their establishment, including dwellings, probably about fourteen thousand pounds.

6th. Upon the whole of this discussion, it appears to have been undertaken with a vehement determination against the principle of introducing Christianity among our Asiatic subjects, but without much previous consideration, or a large acquaintance with its bearings and relations, still less with a dispassionate temper of mind; for arguments subversive of each other, assertions palpably erroneous, assumptions clearly unwarrantable, were pressed into the opposition; the question was argued chiefly upon a partial view of supposed political expediency, and the supreme

would do injustice to the cause for which he pleads, if he were to suspend its success entirely upon the adoption of this mode. The channel of the country languages, though less spacious, less clear, less calculated to transmit the general light of our opinions, our arts, and sciences, less free also for the conveyance of the light of religion itself, is nevertheless so far capable of rendering this last and most important service, in which are essentially involved all the other proposed meliorations, that if the question were between making no attempt, or making it in this way, undoubtedly there could be no hesitation. This mode ought, by no means to be declined or neglected, if there were no other. Through the medium of the country languages, though more contracted, more dim, and distant, still something may be done, and that in a concern which is of the last importance to present and to future happiness. But in choosing this method, more instruments ought necessarily to be employed; and then the meliorations which are so much wanted, may in time be partly effected; and the apprehensions which some may entertain from the diffusion of the English language, will have no place. But still it must be maintained, that for every great purpose of the proposed scheme, the introduction and use of that language would be most effectual; and the exclusion of it, the loss of unspeakable benefits, and a just subject of extreme regret.

THUS, we trust, it has been evinced, that although many excellent improvements have of late years been made in the government of our Indian territories, the moral character and condition of the natives of them is extremely depraved, and that the state of society among that people is, in consequence, wretched. These evils have been shewn to lie beyond the reach of our regulations, merely political, however good; they have been traced to their civil and religious institutions; they have been proved to inhere in the general spirit and many positive enactments of their laws, and more powerfully still in the false, corrupt, impure, extravagant, and ridiculous principles and tenets of their religion. Upon any of these points, it is conceived, that persons who either form their opinion, from actual observation, or from the current of testimony, will not greatly differ; shades of distinction there may be between them, but no substantial, radical contrariety. A remedy has been proposed for these evils;—the introduction of our light and knowledge among that benighted people, especially the pure, salutary, wise principles of our divine religion. That remedy has appeared to be in its nature suitable and adequate; the practicability also of applying it has been sufficiently established; our obligation to impart it has been argued, we would hope convincingly, from the past effects of our administration in those countries, from the more imperious consideration of the duties we owe to the people of them as our subjects, and from our own evident interest, as involved and consulted in their welfare. Our obligation has been likewise urged from another argument, the authority and command of that true religion which we have ourselves the happiness to enjoy and profess*. As the leading subject of this essay has been intentionally treated chiefly upon political grounds, the argument now mentioned has not been insisted upon at great length; but all its just rights are claimed for it, and it is transcendent and conclusive.

Nothing it would seem besides these intrinsic properties of the proposed measure, and these powerful extraneous motives, can be necessary to recommend the adoption of it. Yet since some persons have appeared to think, that the improvements which they allow to be likely from the prosecution of the suggested scheme might, by producing a course of encreasing prosperity, at length open the way to consequences unfavourable to the stability of our Indian possessions, these conceived consequences have

importance, authority, and command, of Christianity, were left out of sight.

It ought to be remarked, upon the second of the two resolutions passed in the House of Commons, that the maintenance of a chaplain on board every ship of considerable size, employed in the long navigation to and from India, was the early spontaneous practice of the Company, and enjoined to them in the charters of King William and Queen Anne, the clauses of which, respecting this point, the said resolution did no more than revive.

*. To disallow either the fitness of our religion as a remedy, or our obligation to promote the knowledge of it, would be to differ from the reasoning of this essay in first principles; and such a difference, if any mind were influenced by it to resist the projected communication, ought in candour to be avowed.

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have also been largely examined; and if the whole of the reasoning used by the writer has not been erroneous, they have been found to resolve themselves at last into mere apprehensions, conjectures, and general surmises, which the causes assigned for them seem so little to warrant, that in proportion to the degree in which those causes may actually exist, effects propitious to the permanence, as well as prosperity of our Eastern dominion, effects more propitious than our present system can generate, may rather be expected from them; as indeed it would not be less a phenomenon in the political than in the natural world, that from a root the most excellent, the worst fruit should be produced. The principle also upon which such consequences are objected, and the improvement of our Heathen subjects opposed, the principle of keeping them for ever in darkness and error, lest our interest should suffer by a change, has been shown to be utterly inadmissible in a moral view, as it is likewise contrary to a.l just policy.

In reasoning about things future and contingent, the writer would wish to stand remote from whatever should have the appearance of dogmatical decision, which indeed is not the right of even superior penetration, and to speak with that diffidence of himself, and deference for others, which so well become him; he would wish to speak for no cause further than the truth will bear him out; but the views he entertains of the present subject afford him no other conclusions than those he has advanced, and in them he thinks he is well supported. That a great remedy is wanted; that we have an excellent one in our hands; that it is our duty, on general and special grounds, to apply it; all these, are in his apprehension, positions nearly self-evident: from these alone a strong presumption, he conceives, arises, that it must be our interest to make the application; and if cogent specific reasons are further adduced to prove, that our interest would, in fact, thus be promoted, opposition to this scheme ought, in his opinion, to be justified by arguments very clear and very powerful; and such, he must honestly say, he has not been able to discover.

This subject has not hitherto received a formal consideration; but the objection which would resist all improvement, lest future inconvenience should arise from it, necessarily brings on this decisive question, whether we shall, in all time to come, passively leave our subjects in the darkness, error, and moral turpitude in which they now grovel, or shall communicate to them the light of truth, and the means of melioration, and of happiness personal and social? The question may more properly be,—whether we should *keep* our subjects in their present state? For if improvement ought not to be communicated to them, we should not be merely passive, but be careful to exclude it; as on the other hand if it ought to be communicated, or if it is possible that any rays of light may fortuitously break in upon them, we should not leave the task to others, or to chance, but be ourselves the dispensers of the new principles they receive, and regulate the administration of them. This question then is to determine the grand moral and political principle, by which we shall henceforth, and in all future generations, govern and deal with our Asiatic subjects: Whether we shall make it our study to impart to them knowledge, light, and happiness; or under the notion of holding them more quietly in subjection, shall seek to keep them ignorant, corrupt, and mutually injurious, as they are now? The question is not, whether we shall resort to any persecution, to any compulsion, to any sinister means:—No; the idea has been frequently disclaimed; it is an odious idea, abhorrent from the spirit of true religion; but whether, knowing as we do the falsehood and impiety of idolatrous polytheistic superstitions, knowing the cruelties, the immoralities, the degrading extravagancies and impositions of the Hindoo system, we shall silently and calmly leave them in all the fulness of their operation, without telling our subjects, who ought to be our children, that they are wrong, that they are deluded, and hence plunged into many miseries? Whether, instead of rationally, mildly explaining to them the divine principles of moral and religious truth, which have raised us in the scale of being, and are the foundation of all real goodness and happiness, we shall wink at the stupidity which we deem profitable to us; and as governors, be in effect the conservators of that system which deceives the people? Whether, in a word, we shall do all this *merely from fear*, lest in emerging from ignorance and error, they should be less easy to rule, and our dominion over them be exposed to any risk.

The wisdom, as well as the fairness of such a proceeding, must also be determined; whether on the whole it would be the best policy for our own interest, even if we look only to the natural operation of things: and here at least we should be

careful

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careful and clear; for if we mistake our interest, we lose our all, the very thing to which we sacrifice other considerations: especially it should be pondered, whether believing the moral government of the world, we can expect the approbation and continued support of the supreme Ruler of it, by willingly acquiescing in so much evil, so much moral and political evil, when so many just means for the alleviation of them are in our power.

These are the inquiries which this subject presents; the inquiries which fidelity to himself and to all the interests involved in it, would not permit the writer to suppress when he originally considered it; and the same motives, to which he may add, the duties of the station wherein he has since had the honour to be placed, forbid him to keep them back now: But does he in stating them, mean to point them offensively to any individual or body of men? No,—far from it; they were, at first, penned as they are now delivered, in good will and with a general aim: in this great question he strives rather to abstract his mind from personal recollections; and if it glances involuntarily at the idea of any one who he fears may not accord with his sentiments, if he should especially dread to find among such any whom he particularly respects and loves, it is a painful wound to his feelings. He cannot wish to offend or to censure,—he has no objects to serve by such means; and is sufficiently aware of the situation in which a work of this nature may place him, both in Europe and in India, never to have brought it forward but from some serious sense of duty. This question is a general one; if it seem to carry in it any retrospective censure, that censure applies to the country and to the age. Circumstances have now called for a more particular consideration of it, and of the result of that consideration he entertains encouraging hopes. He will not allow himself to believe, that when so many noble and beneficial ends may be served by our possession of an empire in the East, we shall content ourselves with the meanest and the least, and for the sake of this, frustrate all the rest. He trusts we shall dare to do justice, liberal justice, and be persuaded, that this principle will carry us to greater heights of prosperity, than the precautions of a selfish policy. Future events are inscrutable to the keenest speculation, but the path of duty is open, the time present is ours. By planting our language, our knowledge, our opinions, and our religion, in our Asiatic territories, we shall put a great work beyond the reach of contingencies; we shall probably have wedded the inhabitants of those territories to this country; but at any rate, we shall have done an act of strict duty to them, and a lasting service to mankind.

In considering the affairs of the world as under the controul of the supreme Disposer, and those distant territories, as by strange events, providentially put into our hands, is it not reasonable, is it not necessary, to conclude that they were given to us merely that we might draw an annual profit from them, but that we might diffuse among their inhabitants, long sunk in darkness, vice, and misery, the light and the benign influences of truth, the blessings of well-regulated society, the improvements and the comforts of active industry? And that in prudently and sincerely endeavouring to answer these ends, we may not only humbly hope for some measure of the same success which has usually attended serious and rational attempts for the propagation of that pure and sublime religion which comes from God, but best secure the protection of his providential government, of which we now see such awful marks in the events of the world.

In every progressive step of this work, we shall also serve the original design with which we visited India, that design still so important to this country,—the extension of our commerce. Why is it that so few of our manufactures and commodities are vended there? Not merely because the taste of the people is not generally formed to the use of them, but because they have not the means of purchasing them. The proposed improvements would introduce both. As it is, our woollens, our manufactures in iron, copper, and steel, our clocks, watches, and toys of different kinds, our glass-ware, and various other articles are admired there, and would sell in great quantities if the people were rich enough to buy them. Let invention be once awakened among them, let them be roused to improvements at home, let them be led by industry to multiply, as they may exceedingly, the exchangeable productions of their country, let them acquire a relish for the ingenious exertions of the human mind in Europe, for the beauties and refinements, endlessly diversified, of European art and science, and we shall hence obtain for ourselves the supply of four and twenty millions of distant subjects. How greatly will our country be thus aided in rising still superior to all her difficulties; and how stable, as well as unrivalled, may we hope our commerce will be,

when

Mr. Grant's State of Society among the Asiatic Subjects of Great Britain.

when we thus rear it on right principles, and make it the means of their extension? It might be too sanguine to form into a wish, an idea most pleasing and desirable in itself, that our religion and our knowledge might be diffused over other dark portions of the globe, where nature has been more kind than human institutions.—This is the noblest species of conquest; and wherever, we may venture to say, our principles and language are introduced, our commerce will follow.

To rest in the present state of things, or to determine that the situation of our Asiatic subjects, and our connection with them, are such as they ought to be for all time to come, seems too daring a conclusion: and if a change, a great change be necessary, no reason can be assigned for its commencement at any future period, which will not equally, nay, more strongly recommend its commencement now. To say, that things may be left to their own course, or that our European settlements may prove a sufficient nursery of moral and religious instruction for the natives, will be, in effect, to declare, that there shall be no alteration, at least no effectual and safe one.

The Mahomedans, living for centuries intermixed in great numbers with the Hindoos, produced no radical change in their character; not merely beca se they rendered themselves disagreeable to their subjects, but because they left those subjects, during that whole period, as uninstructed in essential points as they found them. We are called rather to imitate the Roman conquerors, who civilized and improved the nations whom they subdued; and we are called to this, not only by the obvious wisdom which directed their policy, but by local circumstances, as well as by sounder principles and higher motives than they possessed.

The examples also of modern European nations pass in review before us. We are the fourth of those who have possessed an Indian empire. That of the Portugueze, though acquired by romantic bravery, was unsystematic and rapacious; the short one of the French was the meteor of a vain ambition; the Dutch acted upon the principles of a selfish commercial policy; and these, under which they apparently flourished for a time, have been the cause of their decline and fall. None of these nations sought to establish themselves in the affections of their acquired subjects, or to assimilate them to their manners; and those subjects, far from supporting them, rejoiced in their defeat: some attempts they made to instruct the natives, which had their use; but sordid views overwhelmed their effects. It remains for us to shew how we shall be distinguished from these nations in the history of mankind; whether conquest shall have been in our hands the means, not merely of displaying a government unequalled in India for administrative justice, kindness, and moderation, not merely of encreasing the security of the subject and prosperity of the country, but of advancing social happiness, of meliorating the moral state of men, and of extending a superior light, further than the Roman eagle ever flew.

If the novelty, the impracticability, the danger of the proposed scheme, be urged against it, these objections cannot all be consistent; and the last, which is the only one that could have weight, presupposes success. In success would lie our safety, not our danger. Our danger must lie in pursuing, from ungenerous ends, a course contracted and illiberal; but in following an opposite course, in communicating light, knowledge, and improvement, we shall obey the dictates of duty, of philanthropy, and of policy; we shall take the most rational means to remove inherent, great disorders, to attach the Hindoo people to ourselves, to ensure the safety of our possessions, to enhance continually their value to us, to raise a fair and durable monument to the glory of this country, and to encrease the happiness of the human race.

APPENDIX.

Extract from the Transactions of the Society for promoting Christian Knowledge, for the year 1795.

Appendix.

"ANOTHER letter has been received from Mr. Swartz, dated at Tanjore, February 13th, 1794, which being of a particularly interesting nature, the Society judge fit to produce at length. As moreover the Society, after forty years experience, have had constant reason to approve of Mr. Swartz's integrity and veracity as a correspondent, his zeal as a promoter of Christian knowledge, and his labours as a missionary, they take this opportunity of acknowledging his faithful services, and recommending his letter to the consideration of the Public, as containing a just statement of facts relating to the mission, believing that Mr. Swartz is incapable of departing from the truth, in the minutest particular."

To the Reverend Dr. GASKIN, *Secretary to the Society for promoting Christian Knowledge.*

Reverend and Dear Sir, Tanjore, February 13, 1794.

AS His Majesty's seventy-fourth regiment is partly stationed at Tanjore, and partly at Vallam, six English miles distant from Tanjore, we commonly go once in a week to Vallam to perform divine service to four companies of that regiment.

When I lately went to that place, the 210th number of a newspaper, called the Courier, Friday evening, May 24th, 1793, was communicated to me.

In that paper I found a paragraph, delivered by Mr. Montgomerie Campbell (who came out to India with Sir Archibald Campbell, in the station of a private secretary) wherein my name was mentioned in the following manner:

"Mr. Montgomerie Campbell gave his decided vote against the clause, and reprobated "the idea of converting the Gentoos. It is true, missionaries have made proselytes of the "Parriars; but they were the lowest order of people, and had even degraded the religion "they professed to embrace.

"Mr. Swartz, whose character was held so deservedly high, could not have any reason to "boast of the purity of his followers: they were proverbial for their profligacy. An instance "occurred to his recollection, perfectly in point;—he had been preaching for many hours "to this caste of proselytes, on the heinousness of theft, and in the heat of his discourse, "taken off his stock, when that and his gold buckle were stolen by one of his virtuous "and enlightened congregation. In such a description of natives, did the doctrine of the "missionaries operate. Men of high caste would spurn at the idea of changing the religion "of their ancestors."

As this paragraph is found in a public paper, I thought it would not displease the Honourable Society to make a few observations on it; not to boast (which I detest) but to declare the plain truth, and to defend my brethren and myself.

About seventeen years ago, when I resided at *Tiruchinapally*, I visited the congregation at Tanjore. In my road, I arrived very early at a village which is inhabited by *Collaries*, a set of people who are infamous for stealing; even the name of a Collary (or better, *Kallen*) signifieth a thief.

These *Collaries* make nightly excursions, in order to rob. They drive away bullocks and sheep, and whatever they can find; for which outrage, they annually pay fifteen hundred chakr, or seven hundred and fifty pagodas, to the Rajah.

Of this caste of people, many live in the Tanjore country, still more in Tondiman's country, and likewise in the Nabob's country.

When I arrived at one of those villages, called *Pudaloor*, I took off my stock, putting it upon a sand-bank. Advancing a little to look out for the man who carried my linen clothes, I was regardless of the stock, at which time, some thievish boys took it away. Not one grown person was present. When the inhabitants heard of the theft, they desired me to confine all those boys, and to punish them as severely as I pleased.

But I refused to do that, not thinking that the trifle which I had lost was worth so much trouble.

That such boys, whose fathers are professed thieves, should commit a theft, can be no matter of wonder.

All the inhabitants of that village were Heathens; *not one Christian family* was found therein.

Many of our gentlemen, travelling through that village, have been robbed.

Appendix.

The trifle of a buckle I did therefore not lose *by a Christian*, as Mr. Montgomerie Campbell will have it, but by Heathen boys.

Neither did I preach at that time: Mr. Montgomerie Campbell says that I preached two hours.: I did not so much as converse with any man.

This poor story totally misrepresented, is alleged by Mr. Montgomerie Campbell to prove the profligacy of Christians, whom he called, with a sneer, virtuous and enlightened people.

If Mr. Montgomerie Campbell has no better proof, his conclusion is built upon a bad foundation, and I shall not admire his logic: truth is against him.

Neither is it true, that the best part of those people who have been instructed, are *Pariars*. Had Mr. Montgomerie Campbell visited, even once, our church, he would have observed that *more than two thirds were of the higher caste*; and so is it at Tranquebar and Vepery.

Our intention is not to boast; but this I may safely say, that many of those people who have been instructed, have left this world with comfort, and with a well-grounded hope of everlasting life.

That some of those who have been instructed and baptized, have abused the benefit of instruction, is certain. But all sincere servants of God, nay even the Apostles, have experienced this grief.

It is asserted, that a missionary is a disgrace to any country. Lord Macartney, and the late General Coote, would have entertained a very different opinion. They, and many other gentlemen, know and acknowledge, that the missionaries have been beneficial to government, and a comfort to the country.

This I am able to prove, in the strongest manner. Many gentlemen who live now in England, and in this country, would corroborate my assertion.

That the Reverend Mr. Gerické has been of eminent service to Cuddalore, every gentleman, who was at Cuddalore at the time when the war broke out, knows. He was the instrument, in the hands of Providence, by which Cuddalore was saved from plunder and bloodshed.

He saved many gentlemen from becoming prisoners to Hyder, which Lord Macartney kindly acknowledged.

When Nagapatnam, that rich and popular city, fell into the deepest poverty, by the unavoidable consequences of war, Mr. Gerické behaved like a father to the distressed people of that city. He forgot that he had a family to provide for. Many impoverished families were supported by him; so that when I, a few months ago, preached and administered the sacrament in that place, I saw many who owed their, and their childrens' lives, to his disinterested care. Surely this, my friend, could not be called a disgrace to that
When the Honourable Society ordered him to attend the congregation at Madras, all lamented his departure. And at Madras, he is esteemed by the governor, and many other gentlemen, to this day.

It is a most disagreeable task to speak of oneself. However, I hope that the Honourable Society will not look upon some observations which I am to make, as a vain and sinful boasting, but rather as a necessary self-defence. Neither the missionaries, nor many of the Christians, have hurt the welfare of the country.

In the time of war, the fort of Tanjore was in a distressed condition. A powerful enemy was near; the people in the Fort, numerous; and not provision even for the garrison. There was grain enough in the country, but we had no bullocks to bring it into the Fort. When the country people formerly brought paddy (rice in the husk) into the Fort, the rapacious dubashes deprived them of their due pay. Hence all confidence was lost; so that the inhabitants drove away their cattle, refusing to assist the Fort. The late Rajah ordered, nay intreated the people, by his managers, to come and help us; but all was in vain.

At last the Rajah said to one of our principal gentlemen: "We all, you and I, have lost our credit; let us try whether the inhabitants will trust Mr. Swartz." Accordingly he sent me a blank paper, empowering me to make a proper agreement with the people. There was no time for hesitation. The seapoys fell down as dead people; being emaciated with hunger; our streets were lined with dead corpses every morning; our condition was deplorable. I sent, therefore, letters, every where round about, promising to pay any one, with my own hands; and to pay them for any bullock which might be taken by the enemy. In one or two days, I got above a thousand bullocks, and sent one of our catechists, and other Christians, into the country. They went at the risk of their lives, made all possible haste, and brought into the Fort, in a very short time, eighty thousand kalams (of rice.) By this means, the Fort was saved. When all was over, I paid the people (even with some money which belonged to others) made them a small present, and sent them home.

The next year, when Colonel Braithwaite, with his whole detachment, was taken prisoner, Major Alcock commanded this Fort, and behaved very kindly to the poor starving people. We were then, the second time, in the same miserable condition. The enemy always invaded the country when the harvest was nigh at hand. I was again desired to try my former expedient, and succeeded. The people knew that they were not to be deprived of their pay, they therefore came with their cattle. But now the danger was greater, as the enemy was very near. The Christians conducted the inhabitants to proper places, surely with no small danger of losing their lives. Accordingly they wept, and went, and supplied the Fort with grain. When the inhabitants were paid, I strictly enquired whether any of the Christians had taken from them a present. They all said, No, no; as we were so regularly paid, we offered to your catechist a cloth of small value, but he absolutely refused it.

But Mr. Montgomerie Campbell says, that the Christians are profligate to a proverb.

If Mr. Montgomerie Campbell was near me, I would explain to him who are the profligate people who drain the country. When a dubash, in the space of ten or fifteen years, scrapes together two, three, or four lacks of pagodas, is not this extortion a high degree of profligacy?

Nay, government was obliged to send an order, that three of those Gentoo dubashes should quit the Tanjore country. The enormous crimes committed by them, filled the country with complaints; but I have no mind to enumerate them.

It is asserted, that the inhabitants of the country would suffer by missionaries.

If the missionaries are sincere Christians, it is impossible that the inhabitants should suffer any damage by them. If they are not what they profess to be, they ought to be dismissed.

When Sir Archibald Campbell was governor, and Mr. Montgomerie Campbell his private secretary, the inhabitants of the Tanjore country were so miserably oppressed by the manager and the Madras dubashes, that they quitted the country: of course, all cultivation ceased. In the month of June, the cultivation should commence; but nothing was done, even at the beginning of September. Every one dreaded the calamity of a famine. I entreated the Rajah to remove that shameful oppression, and to recal the inhabitants. He sent them word, that justice should be done to them; but they disbelieved his promises. He then desired *me* to write to them, and to assure them, that he, at my intercession, would show kindness to them. I did so. All immediately returned; and first of all, the Kallar (or as they are commonly called, Collaries) believed my word, so that seven thousand men came back on one day. The other inhabitants followed their example. When I exhorted them to exert themselves to the utmost, because the time for cultivation was almost lost, they replied in the following manner: "As you have showed kindness to us, you shall not have reason to repent of it; we intend to work night and day, to show our regard for you."

Sir Archibald Campbell was happy when he heard it; and we had the satisfaction of having a better crop than the preceding year.

As there was hardly any administration of justice, I begged and entreated the Rajah to establish justice in his country. "Well," said he, "let me know wherein my people are oppressed." I did so. He immediately consented to my proposal, and told his manager, that he should feel his indignation, if the oppression did not cease immediately. But as he soon died, he did not see the execution.

When the present Rajah began his reign, I put Sir Archibald Campbell in mind of that necessary point. He desired me to make a plan for a court of justice, which I did; but it was soon neglected by the servants of the Rajah, who commonly sold justice to the best bidder.

When the Honourable Company took possession of the country, during the war, the plan for introducing justice was re-assumed; by which many people were made happy. But when the country was restored to the Rajah, the former irregularities took place.

During the assumption, government desired *me* to assist the gentlemen collectors. The district towards the west of Tanjore had been very much neglected, so that the water-courses had not been cleansed for the last fifteen years. I proposed that the collector should advance five hundred pagodas to cleanse those water-courses. The gentlemen consented if I would inspect the business. The work was begun and finished, being inspected by Christians. All that part of the country rejoiced in getting one hundred thousand collums (of rice) more than before. The inhabitants confessed, that instead of one collum, they now reaped four.

No inhabitant has suffered by Christians; none has complained of it. On the contrary, one of the richest inhabitants said to me; "Sir, if you send a person to us, send us one who has learned all your ten commandments;" for he, and many hundred inhabitants, had been present when I explained the Christian doctrine to Heathens and Christians.

The inhabitants dread the conduct of a Madras dubash. These people lend money to the Rajah, at an exorbitant interest, and then are permitted to collect their money and interest, in an appointed district. It is needless to mention the consequences.

When the Collaries committed great outrages in their plundering expeditions, Seapoys were sent out to adjust matters; but it had no effect. Government desired *me* to inquire into that thievish business. I therefore sent letters to the head Collaries; they appeared; we found out, in some degree, how much the Tanjore, and Tondaman's, and the Nabob's Collaries had stolen; and we insisted upon restoration, which was done accordingly. At last, all gave it in writing, that they would steal no more. This promise they kept very well for eight months, and then they began their old work; however, not as before. Had that inspection over their conduct been continued, they might have been made useful people. I insisted upon (their) cultivating their fields, which they really did. But if the demands become exorbitant, they have no resource they think, but that of plundering.

At last some of those thievish Collaries desired to be instructed. I said, "I am obliged to instruct you; but I am afraid that you will become very bad Christians." Their promises were fair. I instructed them; and when they had a tolerable knowledge, I baptized them. Having baptized them, I exhorted them to steal no more, but to work industriously. After that, I visited them; and having examined their knowledge, I desired to see their work. I observed, with pleasure, that their fields were excellently cultivated. "Now," said I, "one thing remains to be done. You must pay your tribute readily, and not wait "till it is exacted by military force," which otherwise is their custom. Soon after that, I found that they had paid off their tribute exactly.

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Appendix.

The only complaint against those Christian Collaries was, that they refused to go upon plundering expeditions, as they had done before.

Now I am well aware, that some will accuse me of having boasted. I confess the charge willingly, but lay all the blame upon those who have constrained me to commit that folly.

I might have enlarged my account; but fearing that some characters would have suffered by it, I stop here.

One thing, however, I affirm, before God and man, that if Christianity, in its plain and undisguised form, was properly promoted, the country would not suffer, but be benefited by it.

If Christians were employed in some important offices, they should, if they misbehaved, be doubly punished; but to reject them entirely, is not right, and discourageth.

The glorious God, and our blessed Redeemer, has commanded his Apostles to preach the Gospel to all nations.

The knowledge of God, and his divine perfections, and of his mercy to mankind, may be abused; but there is no other method of reclaiming mankind, than by instructing them well. To hope that the Heathens will live a good life, without the knowledge of God, is a chimera.

The praise bestowed on the Heathens of this country, by many of our historians, is refuted by a close (I might almost say, superficial) inspection of their lives. Many historical works are more like a romance than history. Many gentlemen here are astonished, how some historians have prostituted their talents by writing fables.

I am now at the brink of eternity; but to this moment I declare, that I do not repent of having spent forty-three years in the service of my Divine Master. Who knows but God may remove some of the great obstacles to the propagation of the Gospel? Should a reformation take place amongst the Europeans, it would no doubt be the greatest blessing to the country.

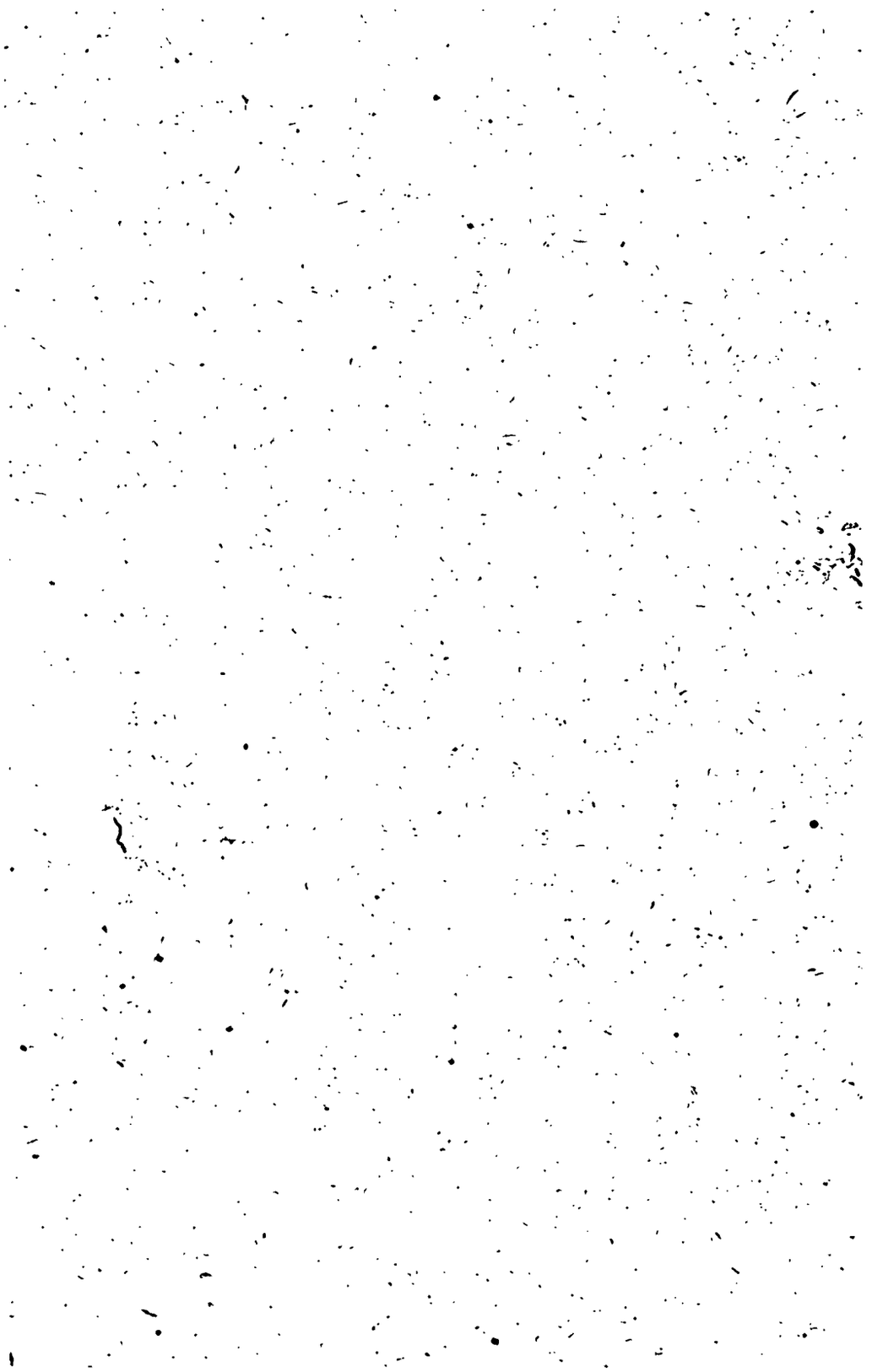
These observations I beg leave to lay before the Honourable Society, with my humble thanks for all their benefits bestowed on this work, and sincere wishes that their pious and generous endeavours to disseminate the knowledge of God and Jesus Christ, may be beneficial to many thousands.

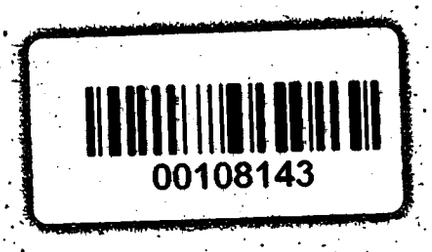
I am sincerely,

Reverend and Dear Sir,

Your affectionate Brother, and humble Servant,

C. F. SWARTZ.

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